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ABSTRACT

This report presents the findings of the state legislature's Management Audit Committee's review of the structure and governance of community colleges in Wyoming, as requested by the Legislature's Management Council in September 1998. In trying to answer questions about the structure of community college governance, the tensions present in the system, and the policy implications, the committee reviewed relevant statues and historical documents, visited each campus and conducted interviews, and carried out an extensive review of the literature. The community colleges are governed by a two-tier system comprised of a local district board and a statewide Community College Commission. The committee found that conflict abounds within this two-tiered system of governance, and that the governing structure is faltering. The committee recommends that the legislature should provide policy guidance and clarification of the core issue: What are the state's priorities and desired outcomes for community colleges, and who will play what role in delivering these outcomes? The committee's findings are presented in seven chapters: (1) background information; (2) tension in state community college system governance; (3) community college system governance (4) community college funding; (5) program approval, review, and termination; (6) management information system; and (7) decisions about the college system. The report also includes agency responses from Wyoming community colleges as well as descriptive information on community college certificates and degrees granted, credit headcounts by county, higher education governance structures, and listings of programs terminated, approved, and offered by colleges. (JJL)

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ED 431 473

Community College Governance

May 1999

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EXECUTIVE SUMMARY

Community College Governance

CHAPTER 1 Background and Overview

Wyoming's community college system consists of seven local college districts and at the state level, the Wyoming Community College Commission. The institutions are located throughout the state, offering instructional programs at their main campuses and, collectively, at 33 out-of-district sites. Since 1991, all 23 counties have been organized into service areas, ranging in size from one to six counties.

In 1991, after the colleges had been in place for decades, the Legislature established a broad mission for the colleges and directed them to be responsive to the needs of their respective service areas. Each college is a comprehensive community college, offering an array of academic, vocational-technical, basic skills, and non-credit courses. Collectively, for school year 1997-98, 21,579 individuals were enrolled in credit courses. Since students attend primarily part-time, this number is adjusted to reflect an FTE (full-time enrollment) of 14,114 students.

Operating budgets for the seven colleges for the 1999-00 biennium total $216 million, of which approximately $90 million is state-appropriated General Funds. Other revenue sources include tuition and fees, local appropriations, and various federal, state, local, and private grants, contracts, and miscellaneous revenues. According to our calculations, state resources account for between 44 and 63 percent of college operating revenues, depending on which funding is included.

Wyoming statutes set up a two-tier coordination and governance structure, one tier of which is local boards. Local boards have authority to manage their districts. The second tier of governance is the Community College Commission, charged by statute with ensuring "the operation and maintenance of the community college system in a coordinated, efficient, and effective manner."

The seven-member Commission has a staff of 11 and a budget of $2.25 million in General Funds for the 1999-00 biennium. The Legislature appropriates funds to the community colleges through the Commission, which allocates state aid to them through a formula. State aid is given as a block grant with few restrictions.

In the past 15 years, the Legislative Service Office has produced or directed the production of two major reports on the community college system. Both reports essentially recommended increasing the Commission's coordinating role, and following their release, the Legislature twice enacted statutory changes strengthening that role.

In the nine years since the last major report, the colleges have continued to deliver important services and produce positive outcomes. Nevertheless, at the core of the community college system is fundamental disagreement among participants as to the proper roles of the Commission and local boards. Conflict abounds within this two-tiered system of governance.

Although services may be going on as usual at the individual college level, the governing structure that is meant to coordinate the statewide system (i.e. the Commission) appears to be faltering. At present, we believe the coordinating function operates in a tentative manner, as system participants continue to disagree over who has what authority in what kind of system. Under these circumstances, the Commission's ability to coordinate the system effectively has been compromised.

The system's shortcomings have been exacerbated by a legislative history of ambivalence towards state and local control. We believe it is appropriate to look to the Legislature for fundamental policy guidance and clarification of the core issue: Within the state's mission for community colleges, what are the priorities and desired outcomes, and who will play what role in delivering those outcomes?

CHAPTER 2 Tension In State Community College System Governance

A two-level debate exists over the governance of the community college system. On one level, the Commission and the colleges disagree over interpretation of the current statutes: the colleges believe the Commission is attempting to overstep its authority, while the Commission believes it is attempting to fulfill its statutory mandate. On the second level, the colleges object that existing Commission authority goes beyond what is appropriate for a coordinating entity, and desire existing law to be changed.

The debate has come to a juncture because both the Commission and the colleges have initiated actions to advance their divergent views on system

governance. The Commission has proposed rule revisions that it believes will allow it to more fully implement current statute. The colleges have opposed the rule revisions as well as requested draft legislation to change Commission authority. Currently, the efforts of both are on hold pending the release of this report.

This fundamental disagreement about their statutory roles makes it difficult for the Commission and the colleges to work together to develop a consensus on rules. Rules form the basis upon which the Commission performs its statutory coordinating role. The lack of agreement on them undermines efforts to coordinate community college services.

Over the years, legislative mixed messages have encouraged the conflicting role interpretations among community college system participants. For example, when the Legislature substantially increased Commission authority in 1985, it did not modify the district college boards' authority to reflect that enhancement. In 1991, the Legislature adopted a mission statement for colleges that focuses them on being comprehensive institutions without implying any roles as part of a system of colleges. In the same legislation, however, the Legislature affirmed the Commission's charges to make systemwide decisions.

The rule revision disagreement illustrates the tension that has arisen in the community college governance structure. Through the positions they have taken, system participants seem to be appealing to the Legislature to make its position clear in resolving the governance issues. Addressing the various issues over which system participants disagree in an ad hoc manner, however, will not alleviate the overall tension. We believe the Legislature needs to look beyond the specifics of current disagreements to more comprehensively address the tension in the system. This will require it to consider fundamental policies relating to governing higher education institutions.

CHAPTER 3 Community College System Governance

To address the tension over governance, the Legislature may consider changes either to the current structure or to the allocation of authority within the present structure. Although states are continually revising their higher education government structures, there is an absence of trends in state restructuring. According to the literature on this topic, states approach similar problems with different solutions. This indicates that Wyoming cannot simply import another state's model.

Instead, state policymakers must first review the broad mission for community colleges to ensure that it reflects current needs and establishes priorities. After affirming or revising the mission, they then should consider whether it can best be carried out by the colleges acting independently, or whether there is benefit to a systemwide approach. With those decisions made, policymakers should review the governance structure to ensure that it supports the colleges, either acting independently or as a system, in meeting state needs.

Currently, the Commission s role in coordinating community college services to carry out the college mission, as adopted in law, is neither articulated nor broadly understood. The present statutory framework indicates that earlier Legislatures may have wanted a statewide perspective in the governance of the community colleges. However, there is no articulated link between the mission the Legislature assigned the colleges and the Commission's role accomplishing it. Absent that connection, there is no overall consensus among the colleges about whether the Commission should be responsible for seeing that the colleges collectively act in a coordinated, efficient and effective manner.

Continuum of Governing Structures. As background for a possible legislative review of the community college governance structure, we researched the literature on higher education governance to illuminate the policies implicit in various structure designs. The most generally accepted structures are coordinating board, consolidated governing board, and planning agency structures. However, some experts studying higher education governance find these designations insufficient in capturing the full complexity of state structures. A current trend is to blend these distinct classifications into a continuum of more general governmental organizing principles: federal, unified, and confederated. States create structures that tend to lean more towards one principle than another, but there are no absolutes.

The coordinating board or federal approach balances institutional autonomy with a statewide perspective. In this structure, colleges have their own governing boards, and a state-level coordinating board has limited although sometimes significant authority over them. Adopting this approach implies that state elected officials want a state capacity to recognize and respond in an organized and efficient way to state needs, priorities, and contextual changes.

The consolidated governing board or unified system approach establishes a single governing board for either all or segments of a

state's higher education institutions. Under this structure, the consolidated board has legal management and control responsibilities for all the institutions under it. This highly centralized structure most easily avoids program duplication and accomplishes support for statewide objectives. These advantages, however, may be offset by a lack of responsiveness to local needs.

The planning agency or confederated system model may include a weak statewide board with planning and advisory responsibilities. Colleges have their own governing boards which determine individual missions as well as program offerings. Each institution negotiates its budget directly with the governor and the legislature. This structure implies a policy to rely upon the state's budgetary process to convey priorities and shape institutional responses.

Wyoming statutes provide for a coordinating board structure that reserves some significant policy authority to the state, such as tuition, program, and facility decisions. Statutes and practice also support the planning agency model, with local college boards having significant policy authority as well, including setting their own institutional missions and appointing their chief executive officers. The statutory framework is not clear as to when the authority of one level supersedes the authority of the other. Tension results when these authorities conflict. The literature we reviewed indicates that states should be explicit and unambiguous in delegating authority to avoid conflict.

We conclude in Chapter 3 by suggesting alternatives for modifying the current community college system governance structure. We also pose the following policy questions for the Legislature to consider:

- What allocation of authority best meets state needs?
- Does the sum of the college needs equal state needs?
- Does the Legislature want to be able to leverage the system?
- What structure aligns best with the state's overall policy environment, and works best for the state's circumstances?

CHAPTER 4 Community College Funding

Statutes and practices associated with community college funding send mixed messages regarding which level of government, local or state, is in charge. Further compounding that uncertainty, we believe the state has not

clearly articulated the purposes for which community college funding is appropriated, nor has it made clear its expectations for desired outcomes.

Statute indicates state funding is intended to supplement local resources. However, aside from this statute, the Legislature provides a sizable amount of funding to college boards to manage without explicit, prioritized, statewide goals.

According to college statutes, district boards retain the authority for the disbursement of all college moneys. In addition, there are several important ways in which the funding strategy is supportive of local control. These include local ownership of college facilities and higher property taxes paid by district taxpayers. College staff salary increases, however, appear to be at least partially contingent upon legislative appropriations. Throughout Chapter 4, we examine numerous ways the funding of colleges influences behavior and shapes college allegiance.

Piecemeal development of the college funding structure likely contributes to these mixed messages. Originally, colleges were totally supported by local funding. However, state resources currently account for 44 to 63 percent of operating revenues, depending on which revenues are included. In the last decade, the Legislature authorized local boards to levy additional mills for the support of community college operations. As a result of this framework, the colleges' abilities to raise revenue vary dramatically.

Other states have identified similar tensions between funding, authority, and accountability. To address this condition, some states have implemented a performance funding system which uses the budget as an incentive to advance state higher educational goals. Given Wyoming's investment in the college system of nearly $100 million per biennium, the Legislature may wish to review the policy direction it intends to give community colleges and the level of performance accountability it desires.

CHAPTER 5 Program Approval, Review, and Termination

The Commission has statutory authority to influence college programs, particularly with regard to duplication, through new program approval, review of existing programs, and termination of programs. However, the Commission has not fully exercised this authority, and it has been of little consequence in shaping or reporting on the overall efficiency and effectiveness of systemwide program offerings.

Program approval is the process whereby an institution submits a proposal requesting authorization from the Commission to start a new program. We found consensus among commissioners, college presidents, administrators, and trustees that regulation of new programs is necessary. Without such regulation, there is a potential for colleges to cause each other harm. There are indications that the Commission performs its program approval function perfunctorily, rather than actively shaping the state's program offerings with this authority. However, it is likely the existence of an approval process for new programs, in and of itself, curtails proliferation of programs.

Program review is the process whereby existing programs are evaluated. Existing rules establish a deregulated framework for program review, allowing each college to carry out program review in its own way. Lacking specific requirements, colleges have developed program review practices as tools for institutional and program improvement. While this approach to program review may be useful for making institutional management decisions, it does not address questions of systemwide efficiency and effectiveness.

Even the Commission's minimal level of involvement in program review has not been welcomed by college officials, who believe making program decisions is their role. The Commission is presently developing a more assertive program review process that would assess systemwide efficiency and effectiveness. At this time, it is uncertain if this new process will be implemented, and if it will have a substantial impact on program offerings systemwide.

Program termination is a powerful Commission authority which has the potential to conflict with management authorities given to local boards. The fact the Commission has this authority has created friction. Present rules allow colleges to terminate programs internally and notify the Commission. However, pending rules would change this so colleges could only recommend termination to the Commission.

The legislatively established mission statement for colleges directs them to provide broad, comprehensive programs and easy access for citizens. Statutes also charge the Commission with limiting duplication. These two legislative directives give conflicting messages to local governing boards and the Commission. The result has been an ongoing disagreement between the colleges and the Commission about the rightful role of each with regard to programs.

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Without a systemwide program review process, institutional factors at each college tend to drive decisions about program offerings statewide. The fact that half of the vocational-technical programs in the state are offered at only one college is evidence that the colleges do achieve some self-regulation for program duplication. However, a systemwide analysis done by the Commission would likely yield different results than what the colleges generate individually.

Clearly there is a trade-off between efficiency as a system and local choice. Ultimately, system participants need policy direction to evaluate the level of duplication acceptable in the system.

CHAPTER 6 Management Information System

The Legislature mandated the Commission establish a management information system (MIS) over 14 years ago, yet we found the Commission does not have a comprehensive MIS to provide data about the colleges.

We found that there is not a shared understanding among the system participants of what the statute requires of the Commission regarding data collection. Some system participants believe the Legislature's mandate to establish an MIS allows Commission staff electronic access to college databases, while others believe the Legislature's only intent was that the Commission receive data from the colleges.

The Legislature has appropriated about $11 million in the last decade to the Commission for system computing needs. However, the Commission's data collection efforts have consisted primarily of manual processes, not an electronic database of the college system that can be queried.

Through selected information requests, the colleges do provide certain kinds of data to the Commission. Nevertheless, we found that much of the available data does not, by itself, answer policy questions about college performance. Furthermore, although local trustees receive information about their respective colleges, we found that neither state nor local policymakers are getting comprehensive information about the performance of the colleges as part of a larger system. The Legislature needs to decide if existing reporting provides adequate accountability, or if there is a need for improved information about individual college and collective system performance.

The Commission does not have a comprehensive MIS, primarily due to the conflict over authority between the Commission and the colleges regarding the level of Commission access to college data. Several presidents told us that direct electronic access to college data goes beyond what the Legislature intended when establishing the MIS requirement. College officials also believe that such access would violate federal privacy laws protecting student data.

We also found a lack of agreement and conceptualization about the purpose and implementation of the system. Explicit purposes for data collection have not been well defined. Additionally, the Commission has not built a foundation for data collection at the college level. As a result, the underlying data needed for an MIS is not always being collected at the college level and what is being collected may not be uniform across institutions. College officials told us they would welcome direction in this area from the Commission.

Legislative review should begin with consideration of whether the current state-level and local reporting provide the Legislature adequate accountability for investment in the community college system. Further, the Legislature can clarify whether it desires information about the performance of the seven colleges individually, or if it also wants system-level analysis of college data. Discussion of these questions will bring forward the issue of whether the Commission is an external agency to the colleges or a member of a seamless larger system.

CHAPTER 7 Conclusion

The struggle over the amount of state and local control in the community college system is not a new issue. During the past two decades, the Legislature and others have expended a great deal of time and money studying community college system problems, but meaningful change has not been realized.

The impasse exists because, over the past 50 years, the Legislature has considered the roles and responsibilities of the various players on a piecemeal basis, and has not clearly defined them within the context of a system. The resulting vacuum has left system participants maneuvering for control.

Through the years, conflicts over governance and structure have largely been left to system participants to sort out. We believe the decisions needing to be made are of a policy nature and cannot be delegated to players in the system. Thus, our recommendations to the Legislature are twofold. First, the Legislature should reassess and prioritize the purpose of the colleges in the state. Second, the Legislature should clearly and unequivocally define the roles of the players within that context.

INTRODUCTION

Scope and Methodology

A. Scope

W.S. 28-8-107(b) authorizes the Legislative Service Office to conduct program evaluations, performance audits, and analyses of policy alternatives. Generally, the purpose of such research is to provide a base of knowledge from which policymakers can make informed decisions.

In September 1998, the Legislature's Management Council requested that the Management Audit Committee review "the broad issues of the structure and governance of community colleges in Wyoming." The Management Audit Committee accepted the request in October 1998, and directed staff to review the governance structure of the community college system and functional relationships within that system.

Given the breadth of this charge, we conducted a high-level review of the system framework and did not conduct individual program evaluations of each of the seven colleges and the Commission. Rather, we considered issues from the perspective of the statutory framework and its effectiveness.

Our research centered around the following questions:

- What are the basic components and characteristics of the community college system, and what influence has the system's history had?
- What is the nature and extent of tension and conflict regarding governance?
- What are the public policy implications of Wyoming's governance structure? What other models exist, and do their public policy implications differ?
- What are the public policy principles inherent in the funding of community colleges, and how do they relate to governance?
- How has the exercise of specific statutory authorities, such as those involving programs and management information, been enabled or inhibited by the governance structure?

The purpose of this review was not to evaluate statutory compliance, nor to select the most appropriate way to structure or restructure the system. Rather, we identify policy questions related to community college governance that are in need of clear statutory direction.

B. Methodology

The procedures used to conduct this review were guided by statutory requirements and professional standards and methods for governmental audits. Research was conducted from November 1998 to March 1999.

In order to compile basic information about the college system, we reviewed relevant statutes, statutory history, annual reports, budget documents, strategic plans, a variety of other statistical reports and documents, and selected federal regulations. We contacted long-time observers of the system and we reviewed several analytical reports that have been issued about the community college system over the past 15 years.

We visited each campus and conducted interviews with the presidents, college trustees, and selected administrators. Among other operational aspects, we reviewed each college's history, mission, budget, and student enrollment data.

To gather information specific to the Commission, we interviewed staff members as well as members of the Commission, four of whom were completing their terms of appointment in February 1999. We did not interview commissioners appointed in March 1999.

We carried out an extensive literature review of professional articles and books on the topic of higher education governance. We also reviewed studies from other states regarding community college system governance. Finally, we conducted interviews with several experts in this field.

C. Acknowledgments

The Legislative Service Office expresses appreciation to those who assisted in this research, especially to trustees, presidents, and staff at the colleges, and to Commission members and staff. We also thank the many other individuals who contributed their expertise.

CHAPTER 1

Background and Overview

Wyoming has 7 community colleges, but all 23 counties are organized into college service areas.

Wyoming's community college system consists of seven local college districts and, at the state level, the Wyoming Community College Commission. Legislation enacted in 1945 allowed for the establishment of colleges; by 1948, four had been founded, while the remaining three were created over the next 20 years. Some began as University outreach centers and some as extensions of their local school district, while others were created by a county-wide vote.

The institutions are located throughout the state, offering instructional programs at their main campuses and, collectively, at 33 out-of-district sites. Since 1991, all 23 counties in the state have been organized into service areas ranging in size from one county (Casper College serves Natrona County), to six counties (Eastern serves Goshen, Platte, Converse, Niobrara, Weston, and Crook Counties). A college must obtain permission from another district before providing services in that service area. See Appendix A for selected statutes and Appendix B for a map of service areas and outreach sites. Figure 1 provides the date the colleges were established and their location.

Figure 1: Wyoming's Community Colleges Dates Established and Location

Casper College	1945	Casper
Northwest College	1946	Powell
Northern Wyoming Community College District	1948	Sheridan
Eastern Wyoming College	1948	Torrington
Western Wyoming College	1959	Rock Springs
Central Wyoming College	1966	Riverton
Laramie County Community College	1968	Cheyenne

Source: Wyoming Community College Commission

The Colleges' Mission

The Legislature has mandated a wide-ranging set of purposes for the college system.

In 1991, after the colleges had been in place for decades, the Legislature established a mission for the colleges. It is to "...provide access to post-secondary educational opportunities by offering broad comprehensive programs in academic as well as vocational-technical subjects. Wyoming's community colleges are low tuition, open access institutions focusing on academic transfer programs, career and occupational programs, developmental and basic skills instruction, adult and continuing education, economic development training, public and community services programming, and student support services."

In the same legislation, the Legislature directed colleges to be responsive to the needs of their respective service areas. Thus, the Legislature has mandated a wide-ranging set of purposes for the college system.

College District Boards

Statutes set up a two-tier coordination and governance structure.

Wyoming statutes set up a two-tier coordination and governance structure, one tier of which is local boards. W.S. 21-18-304 assigns certain powers and duties to the locally elected boards of trustees, giving them authority to set policies for the management and operation of their individual college districts.

Each seven-member board sets graduation requirements, confers degrees and certificates, collects tuition and fees, and prescribes and enforces rules for its own government. Boards determine their priorities for spending, control and disburse funds, manage their own facilities, and may issue general obligation and revenue bonds for such purposes as construction. Each board also appoints its own chief administrative officer, or president, and determines salary schedules and benefits for its employees.

Local boards have authority to manage their districts.

However, statutes also require the boards to submit reports on their activities as required by the Commission. In addition, the rules of each college must be consistent with rules promulgated by the Commission.

The State Commission

In 1951, when only four of the colleges were in existence, the Legislature created the second tier of governance, the Commission. Prior to that time, there had been no state-level coordinating body.

The Commission sees its role as that of providing coordination, advocacy, and accountability for the system.

The Commission is to ensure coordination, efficiency, and effectiveness of the system.

W.S. 21-18-202(a)(ii) requires the Commission to "adopt rules and regulations which will ensure the operation and maintenance of the community college system in a coordinated, efficient, and effective manner." The statute also requires the Commission to set standards for reviewing the necessity for college districts, and gives it numerous regulatory and administrative authorities.

The Commission has seven members appointed by the Governor and confirmed by the Senate. The appointees serve four-year terms, with a two-term limit. No more than four may be members of the same political party, and no more than three may be from a county with a community college. The Governor and State Superintendent of Public Instruction are ex officio, non-voting members of the Commission.

The Commission office has 11 staff members and a budget of $2.25 million in General Funds for the current biennium. Of this funding, 61 percent is dedicated to support a computer network serving the colleges and the Commission.

Changes in Commission Composition. Since its establishment in 1951, the Commission has undergone several legislative restructurings. It was constituted originally with 14 members, nearly all from the education discipline, but in 1957, membership was changed to include a resident from each district. In 1971, the Legislature retained district representation but reduced the size of the Commission to nine and forbade membership by a trustee or employee of a district.

The Legislature has changed Commission composition four times.

In 1985, the Legislature again changed the composition of the Commission, this time to its present form. It reduced the size to seven and required representation from statutory appointment districts. Appointment districts are not contiguous with either the college district or service area boundaries. See map in Appendix C for detail. Recent attempts to pass legislation that would require more representation from members who live in college districts have not been successful.

College Programs

Statutes require each college to be accredited academically by the regional accrediting agency. Each is a comprehensive community college, granting both academic transfer degrees and vocational-

Each college offers an array of academic, vocational-technical, basic skills, and non-credit courses.

technical programs. Further, each offers programs that assist citizens who need basic skills before they can successfully approach college level learning. As well, the colleges offer noncredit continuing education programs for career development purposes, and noncredit community service courses.

Systemwide, roughly equal numbers of transfer and vocational-technical degrees are awarded. In school year 1997-98, the colleges awarded a total of 1,748 associate degrees for completion of 60-hour programs in some 31 different areas. The colleges also awarded 269 certificates to individuals who completed 1 of 12 different vocational-technical programs, which are of shorter duration. The certificates and degrees conferred illustrate the emphases colleges have chosen. For example, Northern Wyoming College awards a disproportionately large share of certificates, given its share of enrollment. In contrast, a large share of students at Northwest College received transfer degrees. See Appendix D for detail.

Enrollments

Most students attend part-time.

Students in the community college system attend primarily part-time and most often are residents of the county in which they attend college. Nearly the same number of individuals take courses for credit as take non-credit courses.

System data is collected by credit headcount, credit full-time equivalency (FTE), and non-credit headcount. When the term "non-duplicated" is used, it represents an individual student counted one time during the academic year, regardless of how many terms the student attended or how many hours the student took.

- Credit headcount is the number of non-duplicated individuals who take classes for credit.
- Credit full-time equivalency (FTE), based on statutory language, is 12 credit hours per semester; the Commission defines annualized FTE as 24 credit hours (12 hours x 2 semesters).
- Non-credit headcount is the number of non-duplicated individuals who take classes for which credit is not given.

Nearly the same number of individuals take courses for credit as take non-credit courses.

Between 1990 and 1997, credit headcount enrollments in Wyoming community colleges declined by 4.7 percent, but credit FTEs increased by 3.3 percent. This means fewer students are enrolled in credit courses, but overall, they are taking more credit hours.

For school year 1997-98, the system had a credit FTE enrollment of 14,114 students.

For school year 1997-98, the Commission reported a credit headcount of 21,579, which was an FTE enrollment of 14,114 students. Nearly 65 percent of credit headcount students attended part-time, with more than one-third of the 65 percent enrolled for three credit hours or less.

In noncredit continuing education and community service classes, the system reported a non-duplicated headcount of 21,497. Slightly more than two-thirds of these students were in community service classes, which cover a broad range of topics offered for personal enrichment.

In 1998, Wyoming residents constituted 93 percent of the system's credit headcount enrollment. More than 60 percent of credit headcount students were enrolled in a community college located in their county of residence. Appendix E shows credit headcount by county of residence.

Funding and Distribution

Operating budgets for the seven colleges total $216 million for the current biennium.

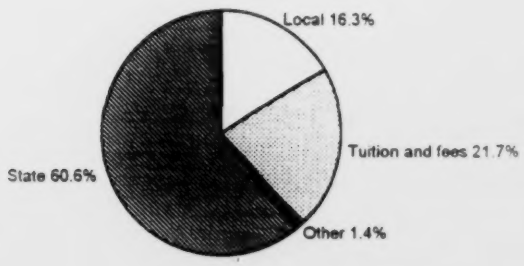
Operating budgets for the seven colleges for the 1999-00 biennium total $216 million. Operating revenues are a mix of state funding, tuition and fees, local appropriations, and various federal, state, local, and private sources such as grants, contracts, and sales and services of auxiliary enterprises. The two largest sources of revenue for the colleges, state funding and tuition and fees, are described here briefly. In Chapter 4, we describe revenue streams in more detail.

For the 1999-00 biennium, the state appropriated approximately $90 million in General Funds in direct support of community colleges. According to our calculations, state resources account for between 44 and 63 percent of college operating revenues, depending on whether all restricted, auxiliary, institutional, and local resources are taken into account.

About $90 million of that amount is General Funds.

Figure 2 illustrates the colleges' unrestricted operating revenues, which is another accounting method used to describe community college funding. Using this method, which shows the major sources of revenue not restricted for specific purposes, state sources account for about 61 percent of revenues.

Figure 2: 1999-2000 Budgeted Unrestricted Operating Revenues, by Source



Source: LSO analysis of Commission provided data.

The Commission allocates state aid to the seven districts through a formula.

The Legislature appropriates funds to the community colleges through the Commission. The Commission allocates state aid to the seven districts through a formula generally driven by the number of FTE and the square footage of facilities within each college. The Commission then distributes funding to the colleges essentially in the form of a block grant, with few restrictions tied to its expenditure.

The colleges currently charge tuition at Commission-set rates of $42 per credit hour for in-state students and $126 per credit hour for out-of-state students. In 1994, the Commission adopted a policy of increasing in-state tuition by 8.5 percent per year for five years, or until Wyoming tuition reaches 90 percent of the average charged by the surrounding states. The last of these increases will apply to the 1999-2000 school year, when tuition will be $46 and $138 respectively.

Colleges also collect $33 million in tuition and fees.

Colleges also collect fees for certain classes. For the 1999-00 biennium, colleges estimate they will receive, collectively, $33 million in tuition and fees.

Governance: History and Themes

In the 15 years from 1984 to the present, the Legislative Service Office (LSO) has produced or directed the production of two major reports on the community college system. Both reports essentially recommended increasing the Commission's coordinating role, and following the release of both reports, the Legislature enacted statutory changes.

1984 LSO Management Audit. In 1984, LSO conducted a sunset review of the Commission to determine the extent to which it had fulfilled its statutory responsibilities. Statutes at that time specified ten criteria for sunset reviews, including whether an agency was operating in an effective, efficient and economical manner. The 1984 study focused on the Commission's major activities, including new program approval, budgeting, and the distribution of discretionary funding. It also examined community college system governance.

A 1984 LSO review recommended the Commission assert a stronger posture.

The report's primary conclusion was that the Commission needed to assert a stronger posture in ensuring the colleges' accountability to the state, since in the 1985-86 biennium, LSO estimated the state provided more than half of the colleges' funding. As a sunset review, the report discussed what the effect would be, should the Commission be terminated. It concluded that doing so involved making a choice between protecting a statewide interest and promoting local control. It also concluded that the public would suffer if the Legislature were to terminate the Commission without adopting an alternative coordinating arrangement.

Wyoming Community College Code of 1985. The following year, in 1985, the Legislature made significant changes to the statutes authorizing the community colleges and the Commission (1985 Laws, Chap. 208). These changes, known as the "Wyoming Community College Code of 1985," are largely intact in current statute. In summary, this act restructured the Commission and substantially enhanced its authorities.

Statutory changes made in 1985 were significant.

It was this act that gave the Commission authority to set rules and regulations to ensure the coordinated, efficient, and effective operation of the community college system. In addition, it charged the Commission with reviewing college programs, establishing an effective management information system, and implementing a standardized tuition structure.

1990 Management Audit by Private Consultant. In 1990, the Legislature appropriated $165,000 for an independent management audit of the internal operations of the community colleges and the Commission. The Legislature also directed that the Commission make $55,000 available for the study. The Legislature required that the work be conducted by a professional independent audit firm and that it cover at least seven specified subject areas, one of which was an analysis of the role of the Commission and its relationship with the

A consultant audit in 1990 offered 54 recommendations for action.

colleges. MGT of America, a national firm with expertise in providing consulting services to institutions of higher education, was selected to perform the study.

The Management Audit Committee provided oversight for the MGT report, which was completed in late 1990. This comprehensive report presented a statewide perspective, reviewing the seven colleges' institutional performance within the context of system-wide expectations and statutory directives. The report offered 54 recommendations for actions to be taken by the Commission, the colleges, the Legislature, or by combinations of those actors.

In 1991, the Legislature established a mission for the colleges.

1991 Post Secondary Education Omnibus Act. Several of the MGT report's recommendations were enacted into law in 1991 through the "Post Secondary Education Omnibus Act" (1991 Laws, Chap. 228). Under this act, the Legislature established a mission for the community colleges and affirmed its direction for the Commission to fulfill its statutory duties. It directed the Commission to establish and implement an assessment process to evaluate community colleges on the basis of performance in responding to service area needs, based upon an assessment of student outcomes. In response to an MGT report recommendation, the act also increased the staff and appropriation for the Commission.

The act called for several additional reports. For example, the Commission was to conduct comprehensive needs assessments of the seven college districts, and the Joint Legislative Education Committee was to develop recommendations for legislation regarding funding of the community college system. The Commission and the University of Wyoming were to submit a report resolving articulation problems, and the Commission was directed to develop a common course numbering system to improve articulation among the colleges and the University.

The Legislature also affirmed its direction to the Commission to fulfill its statutory duties.

The act also created a four-year post secondary education planning and coordination council consisting of representatives from the University, community colleges, the Commission, both legislative bodies, and the Governor and Superintendent of Public Instruction or their designees. The council was charged with developing a long-range plan for post secondary education in Wyoming by December 1993.

1990 Joint Reorganization Council Review. Concurrently with the 1990 MGT management audit of the community college system, the Joint Reorganization Council (JRC) was examining

educational issues in Wyoming. In Governor Sullivan's words, the Legislature established the JRC, in part, "to make government more efficient ... by establishing a clear chain of command so that accountability is assured for the citizens of this state." The Council's study focused on a goal of enhanced unity and coordination of the state's post secondary education, and considered various alternatives to Wyoming's post secondary system governing structure.

A bill proposing a board of regents failed in the 1991 Session.

The JRC, which has since been repealed, recommended an appointed board of regents to serve as a coordinating and central policy body for the state's postsecondary education system. The recommendation would have abolished the Commission, while maintaining the local community college boards and the university trustees as governing boards for their respective institutions. A bill proposing such a board of regents, which would also have had the authority to approve university and college budget requests, failed to pass the Legislature in the 1991 Session.

Importance of the Colleges

As we conducted interviews during our research, we encountered a generally held impression that the colleges are performing many valuable functions and delivering important services to their communities. Moreover, we became aware of many positive outcomes the colleges are producing. We think it is important to acknowledge some of these outcomes before proceeding to a consideration of the governance issue.

We acknowledge positive outcomes the colleges are producing.

Consistent with the legislatively approved mission statement, system tuition is low and access is high. Data from the American Association of Community Colleges shows that Wyoming's tuition is about half the national average. According to a recent Commission study, Wyoming community colleges led the nation in percentage of state population served in 1995. Also, data from the colleges and the University of Wyoming indicate that students are able to transfer credits to the University, and after transferring, their academic performance is predictably on par with their peers who started at the University.

As well, University officials told us that the community colleges are extremely important for the overall educational health of the state and for the quality of the workforce. They added that the colleges provide access to students who otherwise would not have that opportunity.

Pressures on the System

Forces are putting pressure on the college system.

Recent research suggests Wyoming colleges may be entering an era of declining enrollments. In Fall 1997, the largest contribution to credit headcount enrollment in the system, 62 percent, came from two age groups: 17 to 24 year-olds, and 40 to 49 year-olds. However, according to the Commission and the Western Interstate Commission on Higher Education, projections for future Wyoming population characteristics bear little resemblance to the trends of the last decade. Predicting a steep decline in these populations beginning around the year 2000, the Commission suggests this shift could negatively impact college enrollments.

We also believe it is important to acknowledge the larger context in which Wyoming's community college system exists. The broad regional and national context is characterized by numerous trends and pressures which are challenging every state. For example, higher education increasingly finds itself competing for limited state funding against corrections, social services, health, and other human services needs. The technology upon which the colleges depend for both administrative and instructional purposes has many benefits, but is constantly changing and carries with it ever-burgeoning costs. Outside providers such as universities and community colleges from other states are providing competition for Wyoming students.

Controversy About Governance Is Pervasive

At the core is fundamental disagreement about state and local roles.

Having acknowledged positive performance indicators and disturbing trends, we turn attention to the problem at hand: At the core of Wyoming's community college system is fundamental disagreement among participants as to the proper roles of the state and the local boards of trustees. It was this disagreement which gave rise to the request for a study of system governance.

Prior to the 1999 Session, the colleges were seeking sponsorship for draft legislation that would have brought to the fore a decades-old conflict between forces favoring local control and those favoring various degrees of state control. College trustees decided to defer action on the proposal pending the release of this study, but the example illustrates the conflict that abounds within Wyoming's two-tiered system of governance.

The governing structure meant to coordinate the system appears to be faltering.

Although services may be going on as usual at the individual college level, the governing structure that is meant to coordinate the statewide system appears, to us, to be faltering. At present, we believe the

coordinating function operates in a tentative manner, as system participants continue to disagree over who has what authority in what kind of system.

For example, five colleges are suing the Commission over the method of distributing additional salary funding appropriated by the Legislature. According to the Commission's executive director, "This suit is a test of whether or not the state system functions as a system." In addition, there have been discussions of the possibility of more litigation on the immediate horizon.

Further, in March 1999, the Commission decided to indefinitely suspend its multi-year project of revising rules to make them consistent with its interpretation of statute. For more than a year, the colleges and Commission have been embroiled in an argument over access to college data. This disagreement has delayed Commission research studies and produced one Attorney General's opinion plus a series of letters to the federal Department of Education in search of resolution. Two of the other areas of disagreement are whether state funds can be used for the maintenance of auxiliary enterprise facilities, and whether colleges must obtain approval from the Commission before constructing or acquiring facilities, even if by gift.

Resistance and frustration among system participants seem to undermine coordination efforts.

Finally, we observed a great deal of resistance and frustration among system participants that seem to undermine coordination efforts. College representatives expressed a lack of trust in the Commission and a fear that it is moving to exert authority they believe appropriately resides at the local level. On the other hand, Commission representatives expressed frustration over the lack of perceived support for their efforts to carry out their jobs as they believe statute directs them. Under these circumstances, the Commission's ability to coordinate the system effectively has been compromised.

Solutions Are Legislative In Nature

It is too early to predict whether new approaches will diminish the controversy.

In its 1984 sunset review of the Commission, LSO wrote: "If Wyoming's community college system is to continue, the Legislature will need to make some difficult decisions concerning the appropriate relationship between local control and state control." Also, it warned that "the Wyoming Community College system is laced with political overtones of extreme magnitude."

Fifteen years later, these comments are as valid as the day they were written. Because of their fundamentally differing views on any number

of questions, the Commission and colleges in 1999 continue to be engaged in disputes that deflect attention and resources from the system's higher purpose, which is to educate citizens. The Commission and the colleges are developing and testing a number of new approaches having to do with the funding formula, program review, and management information, but it is too early to predict whether the outcomes of these efforts will diminish the controversy.

The mission statement for colleges does not provide direction for the system statewide.

In the following chapters, we point out that the system's shortcomings have been exacerbated by a legislative history of ambivalence towards state and local control. The Legislature, in trying to accommodate all views, has created a very broad mission statement for community colleges. However, it is one that provides direction for individual institutions, not for the system statewide. Also, the Legislature has established a statutory framework in which mixed messages abound. The resulting uncertainty about roles and authority undermines the functionality of the system. It also plagues virtually every choice and decision the Legislature faces with regard to community colleges.

It is appropriate to look to the Legislature for fundamental guidance.

Under these circumstances, it is appropriate to look to the Legislature for fundamental policy guidance. Thus, we conclude four of the following chapters with questions, all of which relate to one core issue: Within the state's mission for community colleges, what are the priorities and desired outcomes, and who will play what role in delivering those outcomes?

The answer, which only the Legislature can provide, will determine the system's orientation. Once that political decision is arrived at, the message needs to be clearly and consistently articulated in statute so as to eliminate mixed messages and the conflict they engender. After years of discord, we believe such a process is what has the potential to finally bring governance of the community college system to a more effective level of functioning.

CHAPTER 2

Tension in State Community College System Governance

A Two-Level Debate Over Statutes and Authority

Currently, a two-level debate exists in the state over the governance of the community college system. On one level, the Commission and the colleges disagree over interpretation of the current statutes: the colleges maintain that the Commission is attempting to overstep its authorities, while the Commission believes it is attempting to fulfill its statutory mandate. On the second level, the colleges object that existing Commission authorities go beyond what is appropriate for a coordinating entity, and desire existing law to be changed.

We use the disagreement over rule revisions to illustrate the tension in the community college system.

In the past, these disagreements did not figure so prominently in the relationship between the Commission and the colleges. System participants say this is because the colleges and the Commission had agreed to an approach to performing their respective roles that mostly sidestepped areas where there were disagreements over authority.

Recently, however, the Commission has attempted to assert the authority it believes it has in these disputed areas. It has done this in part through proposing rule revisions. Although there are many areas of disagreement, we use the rule revision disagreement to illustrate the tension in the community college system. Through its proposed rule revisions and other actions, the Commission has alarmed local college governing boards that view these actions as appropriating their authority. The resulting tension has led to one lawsuit, and it absorbs resources that could be focused upon delivering higher education.

The current situation results from several mixed messages about how the system should be governed.

The current situation results from several mixed messages about how the system should be governed, or whether a system even exists. For example, the Legislature established a statutory structure that reserved significant authority to the state, to be exercised by the Commission. The Legislature has also given authority to the college district trustees. However, there is no clear indication of when the authority of one level supersedes the authority of the other level. Further, the legislatively adopted mission statement for the colleges implies that they each should act independently to comprehensively serve their local

service areas. This appears to conflict with the role statute assigns the Commission to coordinate a statewide approach to the delivery of higher education at the community college level.

Recent Commission Votes Have Aligned with its Statutory Authorities

In the three-year period (1995-1998) that we reviewed minutes for this study, the Commission took a variety of votes directly related to its statutory authorities. These included decisions relating to:

- administering state support for the community college system
- approving, disapproving and terminating college programs and courses
- revising rules for the system's operation
- approving or disapproving college capital construction projects
- implementing a management information system
- setting tuition for the system.

The formal actions taken during the three-year period ending in 1998 nearly always reflected college requests.

In addition, the Commission undertook the strategic planning required by W.S. 28-1-115, and made Commission personnel decisions.

The formal actions taken by the Commission during this period nearly always reflected college requests. For example, the Commission routinely awarded requested funds for emergency and preventive maintenance to college facilities, increased budget authorities in response to college requests, approved new programs submitted by colleges, and approved college capital construction plans - sometimes in an expedited manner to meet college schedules.

The Commission's denial of a college's request to construct a facility was the first denial of that kind.

This limited review reflects what we heard from Commission and college representatives, as well as from system observers, about the Commission's formal actions. By reaching decisions through a consensus process involving the colleges, the Commission has rarely voted to exert its statutory authorities in ways contrary to college positions. The Commission decision that occurred during the review period to deny a college capital facilities request was reportedly the first denial of that kind. Commission staff said the Commission rarely denied a new program proposal.

Commission Attempts to Assert the Authority It Believes Statute Provides

The Commission's objective in revising its rules is to make them conform with statute and best practices.

In the last two years, however, the Commission has begun to position itself to take a more assertive role in system governance. A primary way it has done this is by proposing rule revisions, many of which the colleges adamantly oppose. Since 1997, the Commission has opened 8 of its 13 chapters of rules for revisions and developed a series of policy and procedure handbooks. According to the Commission staff, the objective is to make the rules conform with both statutes and best practices, and to prepare the system to meet future demands. Further, the intent is to make the rules more based on performance. System participants agree that the proposed revisions are significantly different from the rules that are currently in place.

The Commission believes existing rules leave it serving as a pass-through agency for system funding.

Existing rules date from 1993 and emerged from a consensus process involving the seven college presidents, a trustee, the Commission staff, and a commissioner. Although the group reached consensus on the rules, reportedly neither the colleges nor the Commission were completely satisfied with them. Some college officials believe that the Commission is exceeding its authority in some rules. The Commission staff, however, told us they believe that the compromises reached during this process resulted in rules that do not sufficiently reflect the content and intent of the statutes.

The Commission perspective is that existing rules left the Commission serving only in the capacity of a pass-through agency for system funding. The Commission believes the revisions are necessary to more fully implement statute. College officials, on the other hand, believe the Commission should serve a limited role in the colleges' operation, primarily one of presenting their unified budget request to the Legislature and disbursing the funding. Further, they would like to see the Commission serve as more of an advocate for the colleges.

College trustees and presidents see the proposed rule revisions as expanding Commission authority.

College trustees and presidents see the proposed rule revisions as an attempt to expand Commission authority into areas they see as within the purview of the local governing boards. They believe that the Commission has too broadly interpreted its statutory mandate to establish rules to operate the system in a "coordinated, efficient and effective manner." In particular, the colleges oppose the proposed rules with respect to reviewing and eliminating academic and vocational-technical programs. Chapter 5 covers this subject in detail.

Colleges Object to the Commission's Use of Policies and Procedures

Colleges believe that all substantive dealings must be promulgated in rules.

The colleges are also concerned about what is not in the Commission's rule revisions. The Commission has significantly shortened the proposed rules and has created policy and procedure handbooks to accompany them. The Commission intent behind this approach is to make the rules more succinct and to offer more flexibility in its functions. The colleges' concern is that these policies would not be subject to public hearing and the consensus process that the system has traditionally used to develop its working relationships. College officials believe that the Administrative Procedures Act (W.S. 16-3-101) requires the Commission to promulgate all substantive dealings with the colleges through rules.

The Impasse Over Rules Undermines Efforts to Coordinate Community College Services

The Commission is recasting its role to fit a more assertive interpretation of statutory directives.

This fundamental disagreement about their statutory roles makes it difficult for the Commission and the colleges to work together to coordinate the delivery of higher education at the community college level. Rules form the basis upon which the Commission performs its statutory coordinating role. College officials do not agree with the rule revisions because they see them as giving the Commission more governing authority than is supported by statute.

Although the existing rules are technically still in effect, the Commission has moved towards practices outlined in the revisions, believing they comport better with statutory directives. Through its staff, the Commission has focused upon performing its statutory responsibilities in a manner that aligns with its interpretation of its role. The Commission recently delayed further discussion and possible actions on the proposed rule revisions pending the completion of this report. However, it will likely eventually adopt revisions, with or without college agreement. Thus, disagreement over the extent of the Commission's coordinating role is likely to continue.

Disagreement over the extent of the Commission's coordinating role is likely to continue.

Also on hold, as noted in Chapter 1, are the colleges' plans to seek legislative changes that would remove the Commission authorities they see as conflicting with theirs. Notably, they propose to delete the Commission's authority to implement rules to operate the community

college system in a coordinated, effective and efficient manner. In a document explaining their reasons for proposed statutory changes, colleges state that determining measures for effectiveness and efficiency is a trustee role, based upon local needs and institutional missions and goals.

Inconsistent Legislation Encourages Conflicting Interpretations of Roles

Collaboration in drafting the rule revisions has not been possible because the colleges and the Commission interpret statute as giving them conflicting authorities. A series of changes to the statutes setting out Commission authorities and other aspects of the system made over the years has given mixed messages that encourage these differing interpretations. In modifying the statutes relating to the Commission, the Legislature appears to have responded in an ad hoc fashion to political views that prevailed at particular times.

In 1985, the Legislature increased Commission authority without modifying the district college boards' authority.

For example, when first giving the Commission authority to approve college programs in 1979, the Legislature countered that increase in power with a statutory requirement that the Commission "be dedicated to the principle of local government for each community college." In 1985, the Legislature substantially increased Commission authority and dropped the specific statutory reference to local control. However, it did not modify the district boards' authority to reflect the Commission's enhanced responsibilities. One former state education official characterized the situation as the state having "superimposed a system on top of individually created entities."

In 1991, the Legislature adopted a mission for the colleges that does not imply they have a system role.

Further, the Legislature adopted a mission statement for the colleges in 1991 that focuses them on being comprehensive community colleges. It does not imply that they have roles or responsibilities as part of a system of higher education institutions. In other 1991 legislation, the Legislature affirmed both the colleges' focus on meeting the needs of their service areas and the Commission's statutory charges to make systemwide decisions. Such decisions could potentially thwart a local board's decisions based on local needs.

The same year, it affirmed the Commission's charge to make systemwide decisions.

For more than 30 years, the local boards have had statutory authority to control and disburse, or cause to be disbursed, all moneys received from any source to maintain the community colleges. Yet through the regulatory authorities it has given the Commission, the Legislature has potentially reduced some of the local boards' discretion in determining

how to disburse funds to maintain the colleges. For example, colleges may only operate those programs the Commission approves. Chapter 4 provides a more detailed analysis of how community college funding statutes and strategies have contributed to the mixed messages about governance and authority.

Legislative Ambivalence About the Commission. Through the stances they have taken, all system participants seem to be appealing to the Legislature to make its position clear in resolving the governance issues. In our interviews of system participants and observers, we learned that there is a sense of legislative ambivalence about the Commission. This sense is most acute among Commissioners and their staff.

Commissioners and their staff sense this ambivalence most acutely.

Although the Legislature voted by a large margin in 1991 to affirm the Commission's statutory authorities, it is unknown whether that level of support is still present. Only one-fifth of the legislators currently serving were in the Legislature then, although the majority of them supported the legislation (Post Secondary Education Omnibus Act, 1991 Laws, Chap. 228). The general impression of the system participants and observers with whom we talked was that the colleges have greater legislative support than does the Commission. Almost two-thirds of the legislative districts include all or parts of counties that are community college districts.

The general impression is that the colleges have greater legislative support.

Colleges Do Not Attribute Legitimacy to the Commission. College officials are also reluctant to accept what they perceive as a strengthening of the Commission's responsibilities because they question its legitimacy. College officials indicated a preference to be directly accountable to local constituencies and locally elected boards. College trustees said that because the commissioners are not elected and do not serve as fiduciaries, and also because they do not meet often or necessarily come from college districts, they are less knowledgeable about college needs and less accountable than the local trustees.

College officials think Commissioners are less knowledgeable about colleges and less accountable than locally elected trustees.

Roots of Tension Are Fundamental Policy Issues

In this chapter, we used the rule revision disagreement to illustrate the tension that has arisen in the community college governance structure. Although we focus here on rules, there are several other issues over

which the Commission and the colleges have conflicts. These conflicts are rooted in fundamentally divergent views on the system's governance that arise from the mixed messages in statute. To reconcile their differences, both are reportedly seeking legal advice.

The Legislature needs to make decisions on fundamental policies.

An ad hoc approach to addressing the various issues over which system participants disagree, however, will likely not address the overall tension. To more comprehensively address the tension in the system, we believe the Legislature needs to look beyond the specifics of current disagreements and make decisions on more fundamental policies relating to governing higher education institutions. Therefore, in the next chapter, we use a theoretical discussion to illuminate the policies implicit in the design of higher education governance structures. We also offer some policy questions the Legislature might consider should it decide to change or modify the current structure or authorities.

CHAPTER 3

Community College System Governance

One Size Does Not Fit All

To address the tension over governance in the state's community college system, the Legislature may consider changes either to the current structure or to the allocation of authority within the present structure. As background for such an undertaking, we have researched the literature on higher education governance to illuminate the policies implicit in various structure designs.

No single governance structure or organization is best for every state.

A significant body of current literature addresses the topic of higher education governance generally, and some addresses community college governance in particular. Rather than contact states to learn about their individual structures for comparison, we consulted this literature to gain a perspective on how states go about designing higher education governance structures. The literature notes that no single structure or organization is best for every state.

Although states are continually revising their higher education government structures, there is an absence of trends in state restructuring. According to the literature, states approach similar problems with widely different solutions. This indicated to us that Wyoming cannot simply import another state's model.

Can the community college mission best be carried out by the colleges acting independently, or as a system?

Instead, state policymakers must first review the broad mission for community colleges to ensure that it reflects current needs and establishes priorities. After affirming or revising the mission, they then should consider whether it can best be carried out by the colleges acting independently, or whether there is benefit to a systemwide approach. With those decisions made, policymakers should review the governance structure to ensure that it supports the colleges, either acting independently or as a system, in meeting state needs.

The governance structure should also align with the state's policy environment, which includes factors that current state leaders both affect and inherit. Some might be the relative authority of the executive and legislative branches of state government, the capacity of the state to support higher education, and the state's political culture and traditions.

Based On Defined Needs, the Legislature Can Determine What the Governance Structure Should Accomplish

A scholar of the governance topic writes that whatever direction a state decides to take in reorganizing its structure, "the purpose of the reforming practices or policies needs to be at the center of public policy decisions." These purposes might include accessibility, quality, affordability, or minimizing bureaucratic controls or political influence on institutions.

The Commission's role in advancing the community college mission is not broadly understood.

Currently, the Commission's role in coordinating community college services to carry out the college mission adopted in law is neither articulated nor broadly understood. The current statutory framework indicates that earlier Legislatures may have wanted a statewide perspective in the governance of the community colleges. However, in 1985, they created a framework for the system devoid of any real policy objectives other than to be coordinated, efficient, and effective.

The mission statement for the colleges created six years later includes the broad purposes of accessibility, affordability, and comprehensive services. However, there is no articulated link between that mission for the colleges and a Commission role in accomplishing it. As the Commission director noted, "The Commission is not connected to the local boards ... (it) is disconnected in its ability to plan." Absent that connection, it appeared to us that the colleges believe meeting the needs expressed in the mission is an individual endeavor, rather than a systemwide endeavor. There is no overall consensus about whether the Commission should be responsible for seeing that the colleges collectively act in a coordinated, efficient and effective manner.

Colleges believe meeting the mission is an individual, rather than systemwide, endeavor.

We believe that several intervening steps should occur before considering changes to the state's community college governance structure. Policymakers need to review the broad purposes in the community colleges' mission, and come to understand how those concepts are currently defined in the context of higher education. Then, they should determine if those purposes are adequate or need modification. After those determinations should come consideration of what type of governance structure is needed to accomplish the purposes. And once the Legislature decides upon a structure, it must clarify the roles and responsibilities of each system participant so that governance disputes can be resolved without litigation.

The Continuum of Governing Structures

In preparing this report, we consulted the significant body of literature relating to higher education governance structures. The most generally accepted structures listed by the literature are coordinating board, consolidated governing board, and planning agency structures. We have included a listing of how states employ these structures in Appendix F, which was prepared by Education Commission of the States (ECS). However, some experts studying higher education governance find these designations insufficient in capturing the full complexity of state structures.

The structures states create tend to lean more towards one principle or another, but there are no absolutes.

A current trend among those studying this topic is to blend these distinct classifications of structures into a continuum of more general governmental organizing principles: federal, unified, and confederated. This results from a recognition of the wide variation and subtle differences in higher education governance structures that reflect states' different public policy environments. The structures states create tend to lean more towards one principle or another, but there are no absolutes. What follows is a synopsis of what we learned about the continuum of governing structures.

Coordinating Boards (Federal Systems)

Coordinating boards focus upon planning for the system as a whole to meet statewide needs.

This is an approach to governing that balances institutional autonomy (local control) with a statewide perspective. The role of the coordinating board is to function between state government (executive and legislative branches) and the governing boards of the individual institutions. The coordinating board focuses upon planning for the system as a whole to meet statewide needs.

Coordinating functions can include planning and policy leadership, policy analysis and problem resolution, program approval and review, budget development and resource allocation, and maintenance of information and accountability systems. States with this structure assign responsibility for some of these functions to a single agency other than the institutional governing boards.

In this structure, colleges have their own governing boards, and a state-level coordinating board has limited although sometimes significant authority over them. The state reserves for itself only those powers that are necessary to prevent institutions from ignoring statewide concerns. Because coordinating boards may issue regulations

Because the coordinating board structure seeks to balance what can be conflicting interests, it typically creates dissatisfaction.

and make decisions that have an effect on institutional governance, the lines of authority between governing and coordinating boards are often blurred. According to scholars studying higher education governance in many states under the auspices of the National Center for Public Policy and Higher Education, because this structure seeks to balance what can be conflicting interests, it typically creates dissatisfaction.

Adopting a coordinating board implies that state elected officials want a state capacity to recognize and respond in some organized and efficient way to state needs, priorities, and contextual changes. It implies a policy of balancing the flexibility institutions need to carry out their individual missions with the statewide planning, coordination, and accountability necessary to meet state needs.

Consolidated Governing Boards (Unified Systems)

The consolidated governing approach most easily avoids program duplication and accomplishes support for statewide objectives.

States that use this system establish single governing boards either for all degree granting institutions or for different segments of the state's higher education institutions. For example, a state board of regents might govern all four-year institutions and the community colleges, or a single board might govern all community colleges. Under this structure, the consolidated board has legal management and control responsibilities (including appointing college presidents) for all the institutions under it. Local boards may exist in an advisory capacity.

The institutions governed by consolidated governing boards are more likely to be interdependent, and have common rules and policies that treat students and employees equally throughout the system. Including both two- and four-year institutions promotes effective articulation and transfer policies. A concern with such a structure is that it might devalue the vocational-technical aspect of two-year colleges.

This highly centralized structure implies a policy of systematic, statewide planning for academic or vocational-technical programs and services. It most easily achieves balanced programs without duplication, and accomplishes support for strategic statewide objectives. Advantages in statewide planning capabilities, however, may be offset by a lack of responsiveness to community needs.

Planning Agencies (Confederated Systems)

This type of structure may include a weak statewide board with planning and advisory responsibilities, but it does not have

responsibility for actual functions such as information management, budgeting, program planning, or articulation and collaboration. Examples of this structure include a state board of education or a state higher education planning and coordination council.

In these systems, the colleges have their own governing boards which determine individual missions as well as their program offerings. Statewide review procedures are often more a formality than an actual impediment to program duplication. Institutions have separate arrangements for voluntary coordination to identify issues on which they are willing to cooperate when dealing with state government and with each other. Each institution negotiates its own budget directly with the governor and the legislature.

The planning agency structure implies a policy to rely upon the state's budgetary process to convey priorities and shape institutional responses.

This structure implies a policy to rely upon the state's budgetary process to convey priorities and shape institutional responses. Statewide planning occurs primarily through voluntary consensus among the institutions or through legislative influence through the budgetary process. Elected state officials have no mechanisms for limiting institutional aspirations, competition, or program and service duplication other than their final authority on the budgets.

Wyoming Statutes Provide for a Coordinating Board Structure

The Commission's statutory authorities are consistent with those cited by the literature as common to coordinating boards. Further, because the Commission has the substantive authorities to set tuition, make program decisions, and approve facilities, it may be considered a strong coordinating board structure. Previous Legislatures reserved these powers to the state, presumably believing it to be the approach that best protected statewide interests.

States occasionally reserve governing authorities in coordinating board or federal systems to accomplish overall coordination results.

States occasionally reserve governing authorities in coordinating board or federal systems to accomplish some overall coordination results. Indeed, the Wyoming commissioners we interviewed noted that meeting the Commission's statutory obligations, as they interpreted them, required them to make governing decisions. College officials feel that it is inappropriate that an appointed coordinating board have governing authorities. The prospect that the Commission will exercise these authorities, and concern about how it will exercise them, has created tension in system governance.

In practice, the state's structure has leaned decidedly towards the planning agency model.

The Structure Differs in Statute and in Practice. Although in statute, much of Wyoming's community college governance structure looks like a strong coordinating board approach, in practice it has leaned decidedly towards the planning agency or confederated model. For example, although the Commission has authority to coordinate the colleges' programs in areas not part of an existing district, it does not do so. This leaves the colleges the autonomy to decide what they will offer where in their service areas.

Further, we found that like the planning agency model, the colleges enter into separate arrangements for voluntary coordination, and they independently identify the issues on which they are willing to cooperate with each other and with state government. Statute supports this by giving colleges the authority to enter into agreements as corporate bodies. The Commission has statutory authority to encourage the colleges and the system as a whole to cooperate with other educational institutions, and with all levels and agencies of government. As a result, outside entities say it is necessary to work with each college rather than just the Commission in coordinating research projects and other activities.

Colleges independently identify the issues on which they are willing to cooperate with each other and with state government.

Also, as Chapter 6 points out, it is questionable whether or not the Commission has a viable information management function, which literature lists among the core coordinating functions.

A significant way in which the current structure differs from the planning agency or confederated model is that the colleges do not individually present their budgets to the Governor and the Legislature. The Commission administers a program of state support and distributes state funding to the colleges through a formula.

Legislative Ambivalence Common to Coordinating Board Structure. In the last chapter, we noted that tension in the state's governance structure results in part from legislative mixed messages and ambivalence. The mixed messages appear to have resulted from the Legislature's attempt to design an approach to governing the community college system that balances institutional autonomy with a statewide perspective. Further, according to the literature on higher education governance, legislative ambivalence toward a coordinating board is not unusual. In these systems, legislatures typically see themselves as custodians of institutional interests and intervene when they disagree with the way the coordinating board uses its authorities.

Legislatures typically see themselves as custodians of institutional interests.

Literature Cites a Need to Explicitly Allocate Responsibilities and Authority

Both the Commission and the colleges have substantive or policy authority, and tension results when these authorities conflict. The Commission's policy autonomy over the colleges lies in its authorities to review existing programs, approve new programs and facilities, and set tuition rates. Through statute and practice, the colleges exercise significant policy authorities such as levying district taxes, appointing chief administrative officers, employing legal counsel, and setting individual institutional missions. The colleges also have significant administrative authorities to control the daily management of the colleges in areas such as educational programs and services, personnel, and funding allocations and expenditures.

The conflict in the community college system indicates a clear division of responsibilities in the current statutory framework is lacking.

The conflict over authority in the community college system indicates that there is not a clear division of responsibilities in the current statutory framework. The literature we reviewed indicates that states should distinguish between administrative autonomy and policy autonomy. In addition, whatever types of autonomy are granted should be explicit and unambiguous in order to avoid conflict.

The literature offers a second perspective on allocating responsibilities: Federal governing systems should have a separation of powers which divides responsibilities for governing institutions (strategic direction, management accountability, and institutional advocacy) from responsibilities for representing the public interest (monitoring inputs, performance, and institutional accountability.)

Whatever types of autonomy are granted should be explicit and unambiguous to avoid conflict.

A third approach to the division of authority found in the literature is that coordinating boards exercise limited state-level control by establishing statewide policies regarding community college role and mission, curriculum, funding, and personnel. Local institution governing boards are responsible for internal management matters.

Legislative Options

Legislatures control how higher education governance systems are constituted.

Many states face governance problems and often change the structure in an attempt to resolve them. Lawmakers change the laws that determine how boards are constituted and define the extent of their authorities, because these are the factors over which legislatures have control. Next, we introduce three alternatives the Legislature might consider.

Restructuring Community College Governance

An emerging consensus is that states are better off identifying reforms and alternatives that do not require governance reorganization.

The Legislature might change the governance structure to either the consolidated governing board or planning agency structures. Before undertaking a radical restructuring of the governance of these institutions, however, lawmakers should consider that such a reorganization reportedly can be a disruptive process that distracts key participants from the main purposes of higher education. According to the literature, there is a consensus emerging that existing structures often offer the best mechanisms to address challenges, and that states are better off identifying reforms and alternatives that do not require governance reorganization.

Before restructuring to a consolidated governing approach, lawmakers might consider that doing so may be politically difficult because of the apparent strength of local control in the existing structure. The basis of current tension is apprehension about the potential of losing some aspects of local control. Furthermore, a proposal to set up a board of regents as a central policy and coordinating body for state higher education in this state died on General File in the 1991 Senate.

No system participants want to return to individually presenting their budgets and competing with one another for funding.

Restructuring to a planning agency model may be more feasible because as noted earlier, there are many features of this approach in the existing structure. However, we repeatedly heard that no system participants wanted to return to the situation where colleges individually presented their budgets to the Legislature and competed against one another for funding. Also, there are some areas in which the colleges want regulation, such as in the approval of new programs and new community college districts.

Wyoming already has the statutory framework for a planning agency structure.

If lawmakers wanted to change to a planning agency structure, Wyoming already has in place the statutory provisions (W.S. 21-16-601-602) for such a planning and coordination council. The Wyoming Education Planning and Coordination Council (WEPCC) has been established to identify goals for all of education in the state and to coordinate means to attain those goals. The Legislature broadened this council in 1997: it previously addressed only post secondary education. The council, in its original configuration, reportedly addressed concrete issues, such as articulation between the community colleges and the University. The council, which relies for staff primarily upon the Governor's office, has not been active since it was reconstituted.

Maintaining the Status Quo

Allowing governance debates to drag on too long can frighten away current and new system leaders.

If the Legislature decides to do nothing, it will likely continue to face the tension that has evolved. Further, the Legislature will likely be called upon to take action since the colleges are poised to press legislation strengthening local autonomy, and, at the same time the Commission is proposing to take a more assertive approach to its authorities. At this juncture, all participants are clamoring for a better definition of roles. The Legislature should also consider that 1991 legislation essentially maintained the status quo by reaffirming the Commission's authorities, and in the intervening years, tension has only escalated.

The literature notes that allowing governance debates to drag on too long can undermine higher education, lower the confidence of supporters, and frighten away current and new leaders among governing and coordinating boards, and administrators. This sense of frustration is already apparent among both commissioners and trustees.

Modifying the Current Authorities

A decision to modify opens up several policy questions.

The Legislature may decide to keep the existing structure and modify aspects of it to provide the role clarification that all participants seek. However, a decision to modify the authorities opens several policy questions. It is possibly because these policy questions have not been resolved in the past that the system faces the current tension. The following discussion focuses on some of these policy questions.

Issues for Legislative Consideration

What statewide need do the colleges serve and what role does the coordinating body play?

After consensus is reached on the needs to be served by the community colleges, the Legislature should consider how to design a governance structure that will meet them. If the Legislature wants to maintain the current coordinating board structure, it needs to decide, as an expert observer of the system asked, "What is the statewide need and what role does the coordinating body play?"

What Allocation of Authority Best Meets State Needs?

Determining allocation of authorities or separation of powers is a key decision for the Legislature. It is also critical that the Legislature communicate this separation in a clear and straightforward manner in statute. What authorities, if any, does the Legislature want to reserve

to the state to meet state needs? Through the design of its governance structure, or the distribution of authorities, the Legislature strikes a balance between statewide interests and institutional interests. The two may not be the same.

Statewide interests and institutional interests may not be the same.

For example, we learned that some college programs are integral to their communities or to support other college goals, even though there is but a small student demand for them. This may not fit with a statewide interest in directing resources to provide programs for which there is a demand, or increasing accessibility. Thus, the Legislature must decide how much oversight, if any, is necessary to reconcile the institutions' aspirations with statewide priorities.

Does the Sum of College Needs Equal State Needs?

A national college trustee association position paper noted that a primary responsibility for college boards is protecting the college so that it can serve the public interest. Further, the paper asserts that the board that is closest to the people who are served by the college can best determine what is in the public interest. However, others writing in this field note that while "most of what is valued by institutions and academic professionals serves the public welfare ... educational professionals and institutions have their own interests that may not always reflect the common good."

Does the Legislature believe that a statewide perspective in necessary to assure state needs are met?

Our interviews with college trustees indicated that their focus was in meeting local or service area needs. Does the Legislature consider that the colleges' cumulative local responses create a system responsive to statewide needs? Or, does it believe that a statewide perspective is necessary to assure those needs are met? If so, how will it distribute authorities to recognize both the importance of institutional autonomy and the state's interest in accountability?

Who Can Best Respond to the Market?

One view is that individual institutions are best able respond to market challenges.

In an increasingly client and market driven environment, removing rules or controls (deregulation) is a strategy that increases competition which results in more distinctive options for students. In *Seeking Excellence Through Independence*, Terrance MacTaggart advances the view that individual institutions are in the best position to determine the market for higher education services and to respond to it. Bureaucratic oversight diminishes creative leadership and flexibility at the local level.

However, this scholar acknowledges that allowing more free-market competition creates the concern that smaller, less competitive institutions may go out of business. This could potentially reduce access to certain groups of students, such as those in sparsely populated rural areas. Further, he notes that greater competition in higher education has not been demonstrated to reduce costs or improve services.

Another approach is to decentralize. Decentralization differs from deregulation in that the rules do not change, but the level at which they are enforced does. This strategy does not increase competition in the same way deregulation does.

Are there factors in the state's environment that make intensified competition among the colleges undesirable?

Does the Legislature believe that the state's needs would be better served by deregulating to create a more flexible, competitive environment for the community colleges? Or are there factors in this state's environment that make intensified competition among the colleges undesirable? If so, what specific areas would benefit from restraints on competition? What alternatives are there for implementing such restraints?

Does the Legislature Want to Be Able to Leverage the Community College System?

Also through its design of the structure, the Legislature determines its capacity to leverage the community college system to achieve its own public policy goals, such as workforce or economic development. Statewide coordination is the formal policies and other mechanisms that states use to ensure institutions operate collectively in ways that are aligned with state policies.

What mechanisms does the Legislature need to ensure that the colleges respond to public priorities?

Should the colleges be vehicles through which the Legislature advances its priorities? If so, what mechanisms does the Legislature need to ensure that the colleges respond to public priorities?

What Governance Structure Design Fits Best With the State's Policy Environment?

Frustration can result if the structure is inconsistent.

Another consideration in designing a governance structure is that policy frustration can result unless it is consistent with the state's overall policy environment. Significant factors in the community college system policy environment are the statutory requirements that college districts tax themselves to maintain the colleges, elect trustees,

and pay for facility construction. Together, these imply a strong basis for local autonomy and are at the core of the conflict over the Commission's regulatory authorities. This may explain why the colleges find Wyoming's strong coordinating board structure inappropriate and have proposed modifications of the Commission's authorities.

What Structure Works Best for the State's Circumstances?

Are certain structures less susceptible to the challenging circumstances the state faces?

In modifying the governance structure design, the Legislature also has external factors to consider. These include uncertain future community college enrollments, the forecasted slow growth in the state's economy, the increasingly competitive higher education environment, and the pressures on state revenues. Are there certain structures that are less susceptible to such challenging circumstances? The literature suggests a need to extend analysis into this area. For now, it says only that federal systems, which elicit leadership from multiple sources, are most able to deal with conditions that require "adaptive change."

A national college trustee association position paper noted that in good times, the ambiguity between state level responsibilities and local board responsibilities causes few problems. Thus, the tension in the system may partly result from the challenges noted above. The Legislature also faces these challenges in designing modifications of the community college governance structure.

CHAPTER 4

Community College Funding

Funding System Illustrates Blurred Line of State and Local Authority

The statutes and practices associated with community college funding send mixed messages regarding which level of government, local or state, is in charge. Further compounding that uncertainty, we believe the state has not clearly articulated the purposes for which community college funding is appropriated, nor has it made clear its expectations for desired outcomes.

Without explicit direction attached to funding that articulates what the colleges are to accomplish, the Commission has implemented a mechanical formula to distribute state aid to the colleges. Thus, as one system observer noted, "If you do not have a plan, the budget is the plan." Under these circumstances, it is not clear whether the colleges' use of funding and the state's higher educational desires are consistent.

Budget Practices for Colleges

The Legislature assigns little explicit direction to the sizable state investment in community colleges.

W.S. 21-18-205(c)(iii) indicates, "State funding is intended to supplement local resources available to a college for support of the biennial budget authority." However, apart from this statute, the Legislature assigns little explicit direction to the nearly $100 million in state funding each biennium. This state-funded amount accounts for General Funds in the form of state aid to the colleges, as well as state grants and contracts provided to the colleges, other designated state funding for maintenance, and the Commission's appropriation.

The Commission prepares and presents a consolidated budget for the seven community colleges. To establish the colleges' biennium budget request, the Budget Division of the Department of Administration and Information uses the previous year's college expenditures to project costs. After arriving at the projected costs, they deduct estimated local resources derived from sources such as tuition and required local mill levies. The balance is the Commission's request for state aid for the colleges.

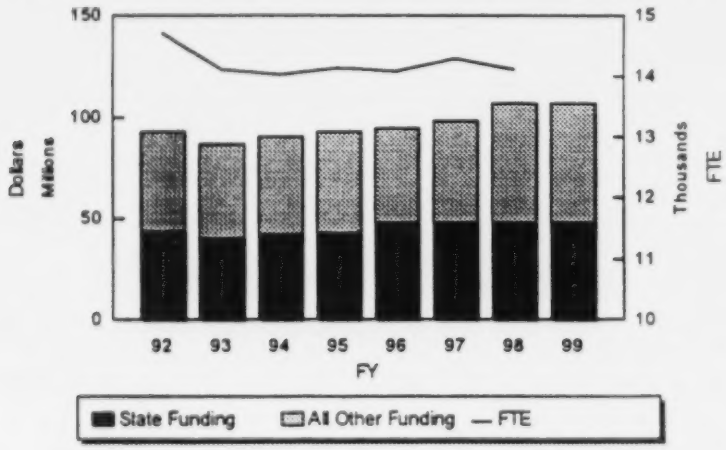
The Commission's consolidated budget request have included expanded or exception requests for matters such as equipment replacement or salary increases. After the Commission approves the request, the Governor makes executive recommendations on the budget, and the Legislature acts on the final request.

The Commission distributes state aid to the colleges through a formula based on FTE and square footage.

In 1989, the Legislature directed the Commission to create a distribution formula to allocate the legislatively appropriated state aid to community colleges. The Commission established a distribution formula driven by the amount of square footage and number of full-time equivalent (FTE) students at each institution. In addition, the formula provides allowances, based on FTE, for four different levels of instruction: lecture, laboratory, high technology, and total enrollment. Finally, the formula includes an operating allowance tied to the first 200 formula FTE, apparently designed to cover basic administration costs. The Commission uses this formula to distribute state aid, not to generate the budget request.

Figure 3 describes the history of all operating revenues for the seven colleges from FY92 through FY99. It also indicates the amount of state support for each of those years. In addition, Figure 3 shows system FTE through FY98 as a line above the funding graphic.

Figure 3: College Operating Revenues and FTE



Source: LSO analysis of Commission provided data.

The state provides a sizable share of the operational revenues of the community colleges. For the current biennium, we calculated this

share ranges from 44 to 63 percent of college operating revenues, depending upon what revenues are included in the analysis. Specifically, we calculated the low figure, 44 percent, by including all operating revenues of the system, including such revenues generated by auxiliary enterprises and federal grants. The high figure, 63 percent, is derived using only the local, state, and institutional (primarily tuition) resources from the initial biennium budget authority. We found system participants have employed both accounting methods.

Unclear Policy Principles Inherent in the Funding of Community Colleges

In several important ways, the funding strategy is supportive of local control. For example, there is a large state investment provided to the college boards to manage without any explicit statewide goals. Because of this, some college officials go on to question the Commission's authority in other governance areas such as program termination and capital construction approval.

District boards of trustees retain authority for the disbursement of all college monies.

According to W.S. 21-18-304(a)(viii), district boards of trustees retain authority for the disbursement of all college monies. Commissioners, trustees, and college officials we interviewed agreed there are no prioritized statewide goals tied to state aid. College expenses are paid by state dollars and funding from other sources, and colleges commingle the funding into a single unit to expend on the total educational package. Further, citing local facility ownership, local tax support, and the locally elected nature of trustees as their primary justifications, many trustees and presidents suggested their primary allegiance and responsiveness are focused locally.

College salary increases are at least partially contingent upon state appropriations.

In addition to this sense of local control, the budget process can set up a confusing expectation for the system. Statutes direct the locally elected board of trustees to control and disburse college finances as well as prescribe rules for its own government. However, in practice, college salary increases are at least partially contingent upon state legislative appropriations. On several occasions, the colleges have requested state funding through the Commission for salary adjustments. In some cases, the Legislature has directly responded to those requests, and in others has included colleges within the overall salary discussions for executive branch employees. We believe these state budgeting practices, when combined with the colleges' allegiance to local control, send another mixed message about authority and system roles.

Piecemeal Development of College Funding Contributes to the Mixed Messages

Over the past 40 years, the Legislature has revised the statutes and practices related to community college funding several times. The resulting framework consists of local and institutional resources supplemented by a block grant of state aid. One example of the two-level investment in colleges is the expectation that a district will construct its own buildings, while the state helps with the operating costs as needed.

Twelve years after the inception of Casper College, the Legislature appropriated the first General Funds - $80,000.

With the passage of community college enabling legislation in 1945, the Legislature allowed the trustees of any school district to establish vocational, terminal, continuation, and adult education in the high schools. Twelve years later, in 1957, the Legislature appropriated the first General Funds for the colleges, in the amount of $80,000. By the current biennium, the General Fund appropriation for community colleges has grown to $90 million. Most of this increase came between the 1973-74 biennium and the 1989-90 biennium as the percentage of state aid to total budget authority for the colleges increased by 62 percent.

Prior to the development of the consolidated funding request in 1988, each college independently presented and justified its budget request before the Joint Appropriations Committee. The movement to a single budget for all colleges appears to be consistent with historical purposes for forming the Commission. The 1984 LSO report indicates that one purpose of the Commission was "to identify and budget on a needs basis and to insulate the Legislature from each college's lobbying efforts."

Optional Local Resources. On top of the state, local, and institutional revenues considered in the formula, a number of additional revenue sources are allowed. Revenues from optional mills, private contributions, federal and state grants, and auxiliary revenues used to support enterprises on campus figure prominently in college funding and vary dramatically among the seven colleges.

In order to qualify for state aid, a college district board must levy four mills on the district's assessed value. In addition, the Legislature authorized the college district boards to seek six optional voter-approved mills in 1989. In 1990, the Legislature amended the

Local district boards may assess one mill without voter approval, and the district voters may approve five additional mills.

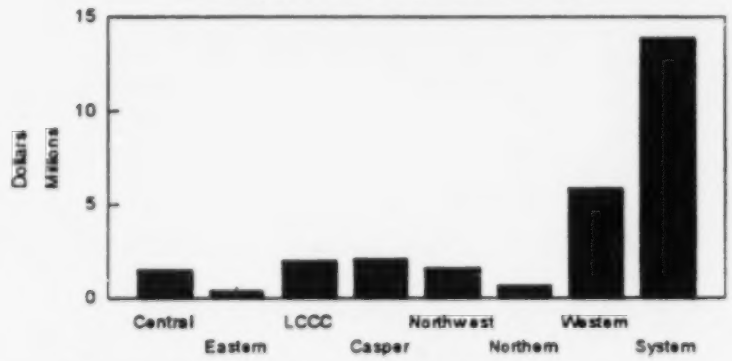
authority to levy optional mills to its current status. Now, local district boards may assess one mill, without voter approval, and the voters in the district may approve five additional mills. All of the district boards imposed the fifth optional mill in 1998. None of the college districts had sought any of the five voter-approved optional mills until 1998, when Laramie County electors approved all five optional mills. The new levy will become effective in FY2000.

In 1990, it appears the Legislature intended this ability of districts to levy additional mills would shift some of the state costs for community colleges back to the districts. The Legislature amended the permissible use of voter-approved optional mill levies from the "regular support and operation of the college" to "community college purposes and for reducing state assistance to the colleges." *(Emphasis added.)* However, the Legislature struck the emphasized language five years later.

The college system would have generated an aditional $13.9 million by imposing the voter-approved optional mill levies in 1998.

Figure 4 illustrates the amount of funding that colleges would have generated in 1998, had trustees submitted and district voters approved the five optional mill levies. The seven community college districts account for roughly $2.8 billion of the state's $7.4 billion assessed valuation for 1998. As the figure shows, the college system would have generated an additional $13.9 million in revenues by imposing the voter-approved optional mill levies for the support of community colleges.

Figure 4: Potential Local Funds from the Five Voter-Approved Optional Mills



Source: LSO analysis of the Board of Equalization's 1998 Assessed Valuations.

By statute, the base four mills a district must levy are counted against state aid, while optional mills are not. Consequently, college districts

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now have authority to seek additional local revenue solely for their own institutional needs, without any ramifications on state aid.

There is broad variation in the ability of the college districts to raise additional resources.

Since the counties' assessed valuations differ widely, there is broad variation in the ability of the college districts to raise additional resources. They can do so by levying optional mills or by bonding for the construction of facilities. The revenues generated from the board-approved mill ranged from $71,000 for Eastern to $1,167,000 for Western in FY98. In other words, Eastern's optional mill generated just six percent of what the equivalent levy generated in Western's district. The relative relationships are the same for bonding capacity, such that the maximum bonded indebtedness for Eastern is about $2.8 million while Western's is $46.7 million.

Private Sources. Each college also has organized its own foundation for the purpose of generating support for the college. Foundations accept private gifts and donations and generally use the proceeds to provide scholarships or address capital needs, program development, or other special needs identified by the college. Further, the colleges may also receive private donations from sources other than their foundations.

Private fundraising capabilities vary widely among the seven colleges. For example, in 1998 at Eastern, the foundation's corpus and accumulated earnings just exceeded $1 million dollars. In contrast, we were informed that Northern is currently receiving roughly $3 million per year from private sources for construction purposes alone.

Funding Influences Behavior and Shapes College Allegiance

The current funding structure supports local control.

Incentives related to community college funding influence the behavior of the seven colleges and result in competition within the system. In addition, we believe the current funding framework allows colleges to focus primarily on their individual institution rather than adopting a system focus.

The funding of Wyoming's community colleges can be described using two terms. First, the funding strategy outlined in statute and budget practices directs a combination of federal, state, local, and institutional revenues to the colleges. For descriptive purposes, we include all revenues directed to the colleges within the overall funding strategy, including local bonding authority, optional mills, and capital

maintenance funding. Second, the distribution formula is a means to allocate state aid to the colleges.

Funding Strategy and Local Attitudes. We identified two factors as contributing to an inherent parochialism in the funding strategy. These factors are local ownership of college facilities (as discussed above) and higher property taxes paid by district taxpayers.

In FY98, a typical homeowner in a college district paid between $43 and $70 in property taxes directly supporting community colleges.

Beyond the required four mills and optional six mills, electors within a college district may also approve general obligation bond issues not to exceed four percent of the assessed valuation of the district. In FY98, four of the seven community college districts assessed a levy ranging from 0.6 to 3.2 mills, for the purpose of making bond and interest payments. In that year, the total property tax payments supporting the colleges for a "typical" homeowner ranged from $43 in several college districts to $70 in Park county.[1] In contrast, taxpayers in non-college districts are not assessed taxes for the direct support of the colleges.[2]

Although college districts generally construct their facilities using local resources, state-distributed monies often fund major maintenance and repairs. Statutes establish the contingency reserve fund, commonly referred to as coal lease bonus funds, which receives ten percent, up to $1.6 million per year, of federal bonus payments attributable to coal, oil shale, and geothermal leases of federal land. This funding is dedicated to emergency and preventive maintenance repairs of college facilities.

The colleges' deferred maintenance costs greatly exceed the coal lease bonus funding dedicated for emergency and preventive maintenance.

The colleges estimate their deferred maintenance costs exceed $25 million. During the 1997-98 biennium, the Commission awarded $2.8 million in coal lease bonus funds for selected maintenance and repair projects. Thus, it appears the colleges' needs far exceed this source of funding. Moreover, under the competitive criteria used by the Commission to distribute these funds, we believe there is a motivation for colleges to look needy.

In addition to coal lease bonus funds, the Legislature has provided a range of options through which districts can finance ongoing maintenance and repair needs. These include block grant funds, other operating funds, local bonding capacity, private sources, and optional

[1] For purposes of illustration, we assume a "typical" taxpayer owns a house with a market value of $90,000.
[2] Revenue generated by the optional half mill levied by community college district boards participating in Boards of Cooperative Educational Services (BOCES) are not included in this analysis of local college support.

mills. Judging from district requests for contingency reserve funds, however, it appears most districts prefer to look to state funding or defer the maintenance, rather than turn to their voters for a mill levy.

We found the Commission-approved distribution formula fosters competition, not cooperation, among the colleges.

Distribution Formula: Competition vs. Collaboration. In addition to allocating funds, the distribution formula can reward or punish a variety of behaviors. One of the chief consequences of the Commission-approved distribution formula is the competitive, not cooperative, environment it fosters among the colleges. Commission staff, college representatives, and system observers all indicated that the formula inhibits collaboration. An unwillingness to collaborate, for example, in joint development and sponsorship of an expensive new program, could ultimately result in inefficient management from a state perspective. We believe this could occur even if each college, individually, is managing efficiently.

The developing frontier of distance education illustrates this disincentive to cooperate. There is currently no process to share the funding tied to FTE when a course offered by one community college is delivered to students at another college. A college is not likely to be eager to offer a distance education course when it will receive no additional FTE funding. In this way, the distribution formula appears to contribute to the limited amount of instructional collaboration present among the colleges.

Another consequence of the distribution formula is that the decisions one college makes in terms of programs and facilities can impact the others by influencing enrollments. One trustee summarized the competitive environment by stating, "If there is a successful program (at one college), the others want it, too." Apart from the potential benefits of this competition, without institutional restraint or Commission oversight, we believe the formula could encourage duplication within the system.

Not all of the consequences of the current distribution formula are necessarily negative. For example, since the formula is enrollment driven, it encourages colleges to attract students. As a result, the formula has reportedly prompted colleges to increase their outreach services. Therefore, including FTE as a driver in the distribution of funding may serve to increase access to higher educational services for site-bound students outside college communities.

Some believe the formula discourages innovative management alternatives at the college level.

Incentives associated with the square footage allowance are not as clear as those associated with FTE. While some argue this allowance encourages over-building, it does not appear that the colleges currently receive more than it costs to maintain their facilities through the formula. The most we can say is the formula does not contain factors that would limit over-building, and many college officials agreed that the colleges are currently overbuilt. Some also believe the formula includes a disincentive to get rid of excess space or pursue innovative management alternatives.

The Commission, with the assistance of a higher education consultant, is reviewing the distribution formula at the time of this writing. Since the study is scheduled for completion by July 1, 1999, the Commission could be revising the formula in the near future. During its review of the proposed new formula, the Commission may wish to address some of the behavior incentives we have identified. However, we believe a formula change made in isolation of the Legislature's desires would not necessarily address the larger policy concerns of the state.

Wyoming's Relation Between Funding and Governance is Not Unique

The tension between state and local authority which a funding structure can promote, is not unique to Wyoming. A position paper prepared by the Association of Community College Trustees concluded, "When state authorities take on primary funding or governing responsibilities, the line that separates state level responsibilities from local board responsibilities sometimes blurs."

Professional literature investigating the governance of community colleges suggests that most states employ a combination of options resulting from ad hoc responses to economic conditions or political problems of the time. However, the authors warn changes at the operational level, such as revising the budgetary formula, that are not consistent with both the Legislature's desires and the system design, can result in policy frustration and gridlock.

Without the articulation of statewide needs for the community college system and without a defined process of accountability, there is no clear direction for state dollars. Other states have identified similar tensions between funding, authority, and accountability. A Colorado evaluation of community colleges concluded, "Guaranteeing the

governing boards a steady funding stream without periodically making them demonstrate need lessens accountability for expenditures."

Performance funding strives to encourage local institutions to develop goals that are consistent with legislative desires.

To address this condition, some states have implemented a performance funding system. Performance funding strives to encourage local institutions to develop goals that are consistent with legislative desires. Literature on performance funding suggests each state's approach may be different, although all tend to use the budget as an incentive to advance state higher educational goals. In these cases, states generally tie a small percentage of college funding to legislatively prioritized outcomes. Employed this way, the Legislature can create rewards through the budget.

Issues for Legislative Consideration

Given the state's sizable investment of nearly $100 million per biennium, what does the Legislature desire of the community colleges, and how can the overall funding strategy best support those goals for higher education? What policy direction does the Legislature wish to confer, if any, along with the state aid? Finally, what level of performance accountability does the Legislature wish to receive for its investment in higher education?

CHAPTER 5

Program Approval, Review, and Termination

Colleges Shape Program Offerings, Commission Does Not

Although the Legislature has given the Commission power to influence community college programs, particularly in the matter of duplication of programs systemwide, the Commission has not fully exercised this authority. It is not actively shaping the statewide offering of programs, nor has it defined the role it wishes to have in that regard. We found dual perspectives exist: some view the same program at several colleges as duplication, while others view duplicated programs as a matter of local choice. An impasse about the rightful role of the Commission and local governing boards concerning programs has developed from the conflicting legislative messages given to each.

Since the Commission is not representing a systemwide perspective in this regard, the collective program offerings are determined by local factors. Although we found colleges achieve some self-regulation regarding program duplication, from a systemwide perspective, opportunities to reduce duplication through a comprehensive review of programs remain unexplored. The decision to reduce duplication further involves public policy choices.

Statutory Authority for Programs

The Commission has the authority to influence community college programs.

The Commission has statutory authority to influence college programs through new program approval, review of existing programs, and termination of programs. Specifically, W.S. 21-18-202 (a)(iii) states the Commission shall "review and approve or disapprove academic and vocational-technical programs based on relationship to student demand and need and conduct periodic reviews of existing programs." The statutory criteria for academic or vocational-technical program terminations are: excessive duplication, lack of cost effectiveness, change in demand, or that the like exist to warrant termination.[3]

[3] Nursing programs are exempted from these Commission authorities by W.S. 21-18-317.

The state's investment in community colleges warrants some accountability to state policymakers, and this is likely one reason for the Commission to have some authority regarding programs. However, the Commission has not fully exercised its authority, and it has been of little consequence in shaping or reporting on the overall efficiency and effectiveness of systemwide program offerings.

Agreement Over Regulation of New Programs

Colleges can harm one another if they invest in similar programs, and seek to attract the same students.

We found consensus among commissioners, college presidents, administrators, and trustees that regulation of new programs is necessary. Without such regulation, there is potential for colleges to cause each other harm, as two colleges could each make a substantial investment to start similar programs that would draw students from the same pool. If projected student demand for the entire state will support only one program, two programs may struggle as they compete for the same students. Investing in a new program that lacks sufficient student demand would be damaging to a college.

"Program approval" is the process whereby an institution submits a proposal requesting authorization from the Commission to start a new program. The rules related to program approval were changed in 1997, and require a college to show projected demand for graduates over a five-year period, as well as a plan to assess student outcomes. A Commission-established council of academic deans from every college approves the courses involved in new programs. The Commission also reports that the committee contributes significantly to the development of new program proposals.

Simply having an approval process likely curtails proliferation of programs.

Nevertheless, there are indications that the Commission conducts program approval in a cursory manner, rather than actively shaping the state's program offerings with this authority. It is possible this is due to the work done during the approval process. Staff reported the Commission almost always approves new programs. Staff also reported the Commission voted to approve 12 new program proposals between 1994 and 1998, while disapproving none. It is likely the existence of an approval process for new programs, in and of itself, curtails proliferation of programs. See Appendix G.

Purposes for Program Approval. According to professional literature, the purposes of program approval are generally to stem mission creep at institutions and to address program duplication. The

literature also conveys that program approval is a very common function for a state coordinating board to have.

Determining how much duplication is acceptable involves philosophical choices.

Inherently, the concept of duplication is about offering like programs at more than one college. Beyond that, determining if there is too much duplication involves a number of philosophical choices: How many students justify having more than one program? In order to not have excessive duplication, must there be local jobs for all graduates? Is excessive duplication only an issue for vocational-technical programs, which typically cost more than academic programs? Does Wyoming's geography alone justify duplication of programs? We found these varying views of duplication, and more, exist among the community college public.

The 1984 LSO report described a dual perspective about program duplication versus local community choice that we have found still exists. One college dean said, "Having something available in Rock Springs doesn't make it available at our local community level." Colleges strive to offer full arrays of programs to meet the needs of their communities, although from a statewide perspective, this may be seen as program duplication. Ultimately, the amount of program duplication versus local choice is a public policy decision.

Program Review Not Used to Represent Systemwide Perspective

"Program review" is the process whereby existing programs are evaluated. Termination is a potential consequence of program review. Perhaps because colleges see program review as a purely internal function, not requiring any regulation among colleges, the Commission's involvement has been unwelcome.

Program review can be done by state coordinating bodies to interject a broader perspective into program decisions.

Two Different Purposes for Program Review. Experts in higher education indicate program review is a common function for state coordinating boards. However, two fundamentally different purposes exist for program review. A higher education expert we consulted did not believe that any state has successfully combined these two types of program review.

- State coordinating entities can use program review to interject a broader perspective into decisions individual institutions make. Typically, state program review processes assess systemwide efficiency and effectiveness and are a means of ending inefficient

Colleges make program decisions individually, not as a system.

legislatively established mission statement. Overall, we found colleges were basing decisions about which programs to provide locally, and which to provide through other methods like distance education, on community needs assessments and institutional cost feasibility. Colleges also considered market forces, such as student and labor market demand, although not necessarily from a systemwide perspective.

Program Duplication vs. Local Choice. Clearly, there is a trade-off between efficiency as a system and local choice. Concerns about efficiency often correspond with program duplication. If a costly program is offered at only one college to reduce system costs, access for site-bound students may be limited. Further, there is an uncertain correlation between efficiency and effectiveness; gains in efficiency could decrease effectiveness. Also, to gain system-level efficiency, communities may have to forfeit their own preferences and certain intrinsic qualities which can enhance the local culture.

To gain efficiency as a system, communities may have to forfeit their preferences.

Given these considerations, when is duplication "excessive" (meaning there is a basis for termination of a program), and when is it acceptable? Commissioners and staff we interviewed had varying opinions, some believing excessive duplication was abundant and others believing there was none. State policymakers, having made the decision to invest in the community college system, also need to give policy direction for how to balance efficiency, effectiveness, and local choice.

Colleges Achieve Some Self-Regulation. Although the Commission has not actively regulated program offerings of the colleges, there is evidence of some self-regulation by colleges concerning vocational program duplication. The combination of block grant funding and tight budgets is a likely contributing factor to this self-regulation. The block grant encourages a college to eliminate inefficient or ineffective programs internally, and reallocate the funds for more productive purposes.

Half of the vocational programs are offered at only one college.

Collectively, the colleges offer 83 different vocational-technical programs. Data on total FTE in these programs were not available from the Commission. However, our review indicates that about half of these programs are offered at only one college, and only one program, welding technology, was offered at every college. See Appendix H.

The fact that colleges have voluntarily terminated some programs is further evidence of some self-regulation among colleges. However,

Commission staff expressed doubts that colleges are identifying the same programs for termination that the Commission would, if it conducted a systemwide analysis.

Opportunities to reduce duplication further remain unexplored.

Systemwide Focus May Yield Additional Efficiencies. It appears the new program review process being proposed by the Commission will enable some evaluation of efficiency and effectiveness of the colleges as a system. A systemwide analysis such as this is likely to yield different results than the self-generated analyses of seven individual colleges. As this is not being done, opportunities to reduce duplication remain unexplored.

If the Commission were to exert a systemwide influence on program decisions, presumably collaboration among colleges in providing program offerings would be encouraged. If offerings discontinued at one college could be provided by another college in the system, efficiencies might be gained through collaboration. We found there is currently some collaboration among colleges, primarily involving programs offered by only one college. However, we found no evidence that colleges were collaborating to provide individual courses, and the present formula does not promote collaboration in this way. In fact, as discussed in Chapter 4, there are disincentives for collaboration built into the funding system.

With no common view of excessive duplication, there can only be perceptions about how much exists.

Without a commonly held view of excessive duplication, it is impossible to assess how much exists systemwide. There can only be perceptions regarding how much duplication exists, or how much is acceptable. Ultimately, system participants need policy direction to evaluate the level of duplication acceptable in the system.

Issues for Legislative Consideration

When should local boards make decisions about program offerings based on what is best for the local community, and when should the Commission interject a broader perspective? Does the state want a systemwide program review process that will curb duplication beyond what the colleges achieve through self-regulation? Under what circumstances might local boards need to yield authority to the Commission, or vice versa?

CHAPTER 6

Management Information System

Commission Data Collection Efforts Impacted by Governance Tension

Although the requirement has been in statute for 14 years, the Commission currently does not have a fully functioning management information system (MIS) to provide data about the colleges. We found that there is not a shared understanding of what the statute requires of the Commission regarding data collection. The Commission's data collection efforts have consisted primarily of manual processes, not an electronic database of the college system that can be queried.

The Commission does not have a comprehensive MIS, primarily due to the conflict over authority between the Commission and the colleges regarding the level of Commission access to college data. The parties have sought local, state, and federal legal direction on this issue. In addition, we found a lack of agreement and conceptualization about the purpose and implementation of the system.

The Legislature needs to decide if existing reporting is sufficient.

According to the Government Accounting Standards Board (GASB), in an era of decreasing public resources, policymakers and the public need data to determine what value they receive for their money. College officials report they provide extensive information to their local trustees, to the state, and to the federal government. The Legislature needs to decide if existing reporting provides adequate accountability, or if the state has needs that necessitate better state-level information about college performance individually and collectively.

Statutory Direction for MIS

The Legislature mandated the Commission to establish an MIS in 1985, through W.S. 21-18-202(a)(v). It directed the Commission to "establish and implement an effective management information system which will provide composite data about the community colleges and assure that special analyses and studies of the colleges are conducted, as necessary, to provide accurate and cost-effective information about the colleges and the community college system as a whole." The statute specifically

requires the Commission to use the MIS to analyze administrative costs per full-time equivalency and space utilization at each college.

In 1991, six years after this statute was passed, the Legislature transferred the authority for the Wyoming Higher Education Computing Network (WHECN) from the University of Wyoming to the Commission. The WHECN transfer was accompanied by an approximately $4 million appropriation to the Commission. According to the legislation, the purpose of the transfer was to operate and maintain the network and to purchase and install additional equipment.

The colleges use common hardware and software.

The Commission used the one-time moneys to purchase common hardware and software for colleges. This computer equipment established what is known as the "administrative computing system" at each college, such that the colleges have been able to automate their record-keeping functions using common software. Commission staff say the Legislature appropriated these funds both to create the college administrative computing systems and to allow the Commission to more easily gather uniform data for the MIS.

Commission Funding and Staffing for MIS

In the last decade, the Legislature has appropriated $11 million for system computing needs.

Since the 1991 WHECN transfer, the Legislature has appropriated approximately $11 million to the Commission for the system's computing needs. This amount includes the one-time equipment appropriation as well as Commission funding totaling well over $1 million per biennium.

Five staff positions have been dedicated to computing at the Commission. According to Commission officials, staff initially provided equipment repair and software maintenance support for the colleges. Over the years, the Commission has expanded its emphasis into network and internet support and has decreased its hands-on support of the colleges' computer systems. In 1995, the Commission reclassified one of the five positions to focus on institutional research responsibilities.

College officials believe that the WHECN transfer of 1991 continues to obligate Commission staff to fund and maintain administrative computing systems at the colleges. The colleges expressed concerns that the Commission's level of support to maintain college administrative computing systems has declined over the last several years. While the Commission continues to fund the college

administrative computing systems. Commission staff acknowledge that the focus of their staff support has changed to that of establishing the management information system.

No Commonly Recognized Definition for MIS

System participants do not have a shared understanding of how the MIS should be configured.

Within the college system, we found little agreement about how a management information system should be configured or at what level information should be collected. Commissioners, Commission staff, and college officials have various interpretations of the definition of an MIS. Some believe the Legislature's mandate to establish an MIS allows Commission staff electronic access to college databases, while others believe the Legislature's only intent was that the Commission receive data from the colleges.

As a result, the Commission and the colleges have debated about the relationship of the WHECN transfer to the Commission's mandate to establish an MIS. Was the WHECN transfer made with the assumption that the Commission staff would be able to directly access the corresponding college administrative computing systems? Or was the transfer made with the intention that the Commission would maintain the colleges' administrative computing systems, from which the colleges would provide the Commission data? One college official explained the confusion about the Commission's responsibilities for administrative computing support by noting the need to "...clarify in statutes state responsibility for administrative computing, not just for this elusive thing called MIS."

A 1992 Attorney General's opinion stated that many of WHECN's purposes "dovetail nicely with the statutory duties of the Commission" including the implementation of the MIS. The 1991 Session Laws did not reference the Commission's authority to establish a management information system, so it is uncertain whether the Legislature envisioned the college administrative computing systems funded by WHECN to create the infrastructure for the MIS.

However, the Legislature mandated the Commission establish the MIS a full six years before the WHECN transfer. Thus, it appears the Legislature wanted something more from the MIS than for the Commission to simply provide college administrative computing support. A consultant hired by the Commission in 1996 noted that the Commission

needed to address the level of support it would provide to the colleges in managing an effective management information system. Commission rules support maintaining the college administrative computing systems, as they form the foundation of the MIS.

Recent Approaches to Data Collection. Recently, the Commission has taken steps to more decisively define its role in the state-level collection of management information. Certain types of aggregate data have routinely been collected at the Commission since the Legislature established the MIS requirement. However, in recent years, the Commission staff has attempted to obtain additional college data in three ways:

Recently, the Commission has taken more aggressive steps to obtain data from the colleges.

- requests for real-time access to the college computing administrative systems
- requests for periodic backup tapes of the college databases
- written requests for individually identifiable student data.

Commission staff believe these actions are justified to fulfill the Commission's statutory mandate for state-level data collection. The colleges, on the other hand, believe these attempts have exceeded the Legislature's intent regarding state-level information collection. They have resisted Commission efforts based on interpretations of federal privacy laws. These different interpretations of the MIS statute provide a case example of the conflict between the parties regarding statutory interpretation, as noted in Chapter 2.

State Does Not Have a Fully Functioning MIS

The Commission does not have a comprehensive electronic MIS and has obtained data through selected requests.

During our review, we found that the Commission does not have a fully integrated electronic management information system linking itself and the colleges. Such a system would allow Commission staff to directly access and query the networked college administrative computing systems. However, the colleges have raised concerns about allowing direct electronic access to their databases.

Some colleges allowed Commission staff access to administrative computing systems for several months in 1997, but since then have denied access to the computers based on advice from legal counsel. It appears the Commission is exercising its authority for MIS at this

point by making specific information requests for the colleges to fulfill. In 1996, the Commission's consultant reported that the MIS "has been addressed via selected information requests and manual processes ..." Our observations indicate the same is true today.

Alternatively, MIS can be defined as college reporting rather than an electronic system. Even so, we believe the Commission still does not have a fully operational MIS. State-level data collection efforts have been irregular at best. Commissioners and Commission staff who do not believe an MIS has to be electronic find the current level of college reporting to the state insufficient. Even college officials have acknowledged that current reporting efforts to the state need to be improved. A document prepared by the college presidents notes the colleges are willing to work together "to get our reporting system functional at a higher level."

Existing data collection processes have not fully used the system's multi-million dollar computer investment.

Manual data requests of the colleges may not be the most efficient way to collect state-level management information, especially considering the state's $11 million investment in college administrative computing systems and networking over the last decade. If the Legislature desires enhanced state-level management information using a more efficient process, it should make clear that it wants an integrated electronic system that builds on the existing college databases and system networks.

Information Not Timely. Because of the conflict over data collection, information has not been collected in a timely manner. We were told by commissioners, Commission staff, and college officials that data requests are sent to the colleges and often revised several times before the request is fulfilled.

Because of the data sharing issues, Commission staff have not met a majority of special study deadlines.

Commission staff have also experienced difficulty in completing Commission-mandated special studies. The Commission approved 11 special studies in June 1997. To date, Commission staff have completed 4 of the studies, and 4 more are in progress. As a result of the data sharing issues with the colleges, staff did not meet 8 of the Commission's 11 established timelines for report completion.

Information the Colleges Provide. Although the Commission staff no longer has electronic access to college databases, it routinely receives certain kinds of data from the colleges. Specific information the colleges submit to the Commission includes: combined

demographic data, enrollment data, completer data by department, fiscal data, graduate surveys, and employer surveys. During our review, the Commission was able to provide us with some historical data from the colleges. Much of the data the colleges provide the Commission appears to be federally required information the colleges submit through the Commission.

Much of the data that is available does not address outcomes.

The colleges have submitted aggregate data to the Commission staff to analyze, but not individually identifiable student records. Furthermore, much of the available data does not, by itself, answer policy questions about college performance. The Commission staff has primarily received input data (such as the number of staff) and output data (such as enrollment), and not outcome data (such as placement rates) that would inform policymakers about college achievements.

Recent Progress in Data Collection Efforts. At the March 1999 Commission meeting, the Commission and the colleges came to agreement on a standard form the Commission staff will use when requesting personally identifiable data. According to college officials, use of an agreed-upon template will address federal privacy laws that will require the Commission to specify the purpose of the data request, protect the data, and destroy the data under specified timelines. We do not know at this time whether this agreement will end the impasse over data collection.

The system participants have recently agreed on a protocol for requesting personally identifiable data.

However, we believe the Legislature needs to consider whether manual data requests are the context under which the Legislature intended the system to operate. Furthermore, this template speaks only to the collection of individually identifiable student data. It does not appear to be part of a comprehensive plan for state-level collection of management information in the future.

Why is an MIS Important?

Professional literature consistently refers to the importance of management information. While local trustees receive management information about their particular college, other states and the colleges themselves recognize the need for state-level management information.

From our review of relevant literature, we determined that effective management information gives political leaders more information with which to make crucial resource allocation decisions. Regular reporting

allows policymakers and the public to judge the progress of policies and provides evidence about the success or failures of programs. GASB notes that reporting has become more widespread due to the tightening of public resources, which carries with it a greater pressure on officials to be accountable for the use of those resources.

Accountability systems should monitor and report on a few straightforward measures.

The literature we reviewed stresses the importance of accountability systems to measure whether an entity is meeting certain standards and objectives. According to GASB, government should establish and communicate clear, relevant goals and objectives for a program; set measurable targets for accomplishment of those goals; and develop and report on indicators that measure progress in achieving those goals and objectives. GASB and other literature we reviewed stresses that accountability systems should monitor and report on only a few straightforward measures, allowing policymakers to more easily gauge performance.

Seeking Excellence Through Independence, which advocates decentralizing or deregulating higher education institutions, notes independence is not without obligation. States that provide autonomy for their institutions still require oversight and hold the institutions accountable for their performance.

Colleges Collect Local Management Information. During our review, college trustees reported that their local administrators provide management information about their respective colleges. It appears that the levels of institutional research conducted at the colleges vary, but most trustees were satisfied with the level of information they received about their college.

The Legislature should consider whether local reporting efforts provide sufficient accountability.

Information generated and used locally mirrors some of the issues raised in Chapter 3 about whether the sum of local efforts fulfill statewide needs. College trustees indicated that management information they receive is used to make local college decisions. The Legislature should consider whether local accountability efforts address the need for statewide accountability.

Recognized Need for State-Level Data. While the information college officials provide to trustees may fulfill local needs for management information, during our review we found there is a general awareness of the need for state-level management information.

College officials recognize the need for state-level information.

The Education Commission for the States (ECS) found that maintenance of statewide data systems has always been among core coordinating functions of a state board. ECS notes that states have shifted their focus on collecting data on resources toward measuring strategic outcomes. In 1997, three-quarters of states were using performance indicators to inform consumers and ensure accountability.

Among the colleges, we also found a recognition and understanding of the intent behind the Legislature's assignment of MIS responsibilities to the Commission. Trustees, presidents, and college staff we interviewed recognized the need for state-level management information. These parties conceptually agree with the Commission's statutory MIS authority, but not with the Commission's interpretation of that authority.

Factors Inhibiting State-Level Data Collection Efforts

We believe there are three primary reasons the Commission has not been able to establish a fully functioning management information system, as required by statute. First, the conflict over authority between the Commission and the colleges has contributed to the debate over the level of Commission access to college data. Second, we found a lack of agreement about the MIS' purpose. Third, we believe implementation of the system has not been well conceptualized or planned.

Conflict Over Authority. The Commission's recent data collection efforts have created tension with the colleges, who believe that the Commission is exceeding its statutory authorities. We believe the colleges have resisted the development of an electronic system for two reasons. First, several presidents told us they believe that direct access goes beyond what the Legislature intended when establishing the MIS requirement, and second, college officials believe such access would violate federal privacy laws protecting student data.

The colleges believe the Commission has exceeded its statutory authorities regarding MIS.

The colleges have resisted incursions from the Commission, maintaining that the Commission does not have the right to demand direct access to college data. The colleges believe that they have an obligation to provide the Commission with certain types of data, but that statute does not require them to allow the Commission "unfettered access" to their administrative computing systems.

College officials believe allowing Commission staff direct electronic computer access violates federal privacy laws.

The colleges have also justified denying the Commission staff access to college administrative computing systems, citing federal privacy laws. The colleges believe that they cannot provide the Commission staff either on-line access or system backup tapes because these methods of inquiry include access to personally identifiable student records. The colleges believe that allowing the Commission staff access to such records is restricted by the Family Educational Rights and Privacy Act (FERPA) and violation of the act could jeopardize federal funding.

Because the Commission and colleges interpret FERPA differently, the parties have requested both state and federal clarification of the Commission's level of access to college data. The Commission received an Attorney General's opinion in February 1998 supporting the Commission's position. In response, the colleges requested clarification from the United States Department of Education. The Department's Family Policy Compliance Office responded to the colleges in June 1998 supporting the colleges' interpretation of FERPA. Both parties now believe that the recent data access agreement between the Commission and the colleges will address FERPA concerns.

FERPA stipulates that student educational records cannot be released without prior consent of the student, except under certain circumstances. State agencies have access to this data for the evaluation of state-supported programs, as long as they meet FERPA requirements. FERPA states that a requesting party must have a "legitimate interest" in the information. To demonstrate the legitimate interest, the colleges believe the requesting party must have a specific purpose for requesting the data. This interpretation excludes the Commission from directly accessing raw data from the college administrative computing systems or from obtaining backup tapes of the college databases.

FERPA requirements highlight the debate about whether the Commission is an external agency or whether it is an internal part of a seamless system, with rights to direct access to data. The colleges believe that the Commission needs to meet all the requirements of FERPA that any other external entity would have to meet. The colleges perceive that the Commission is an outside agency, while the Commission believes it is an internal member of a system.

Lack of Agreement About Purpose. An additional reason an effective MIS has not been established is the lack of consensus on what outcomes an MIS should track. We found that explicit purposes for data

collection have not been well defined. The Council of Governors' Policy Advisors defines performance accountability as a means of judging policies and programs by measuring their outcomes or results against agreed upon standards. The concept of accountability requires information that can be gauged against publicly stated objectives.

System participants do not have a shared understanding of the outcomes an MIS should measure.

However, we found there is not a clear understanding of these objectives among system participants. While the Legislature has provided direction to the colleges through the statutory mission statement, we found state policymakers have not prioritized the role colleges should play in the state. Consequently, without a clear understanding of desired outcomes, it is difficult to establish meaningful measures around which to build a management information system.

One college official explained the need for specified outcomes on which to base an MIS by noting, "the establishment of valid outcome measures for community college education must be preceded by the defining of the role that community college education needs to play in Wyoming's cultural and economic future." The Commission and the colleges have developed a strategic plan with some measurable outcomes, but several system participants said the plan is not actively applied.

The state should more clearly articulate what it wants to know about college performance.

Six of the seven colleges indicated to us that the Commission data requests are unreasonable. We did not gauge the actual reporting burden on the colleges. However, if the state were to specify more clearly what it wanted to learn about college performance, and limited its collection efforts to data that would provide indicators about that performance, the perceived level of burden may be reduced. This approach would be consistent with the literature we reviewed on the need to focus data collection on a limited number of strategic indicators. One college trustee stated, "If the Legislature and citizens decided what they need and desire, there would be less workload for everyone."

Lack of Vision for System Implementation. We found that the foundation for data collection has not been built at the college level. As noted earlier in this chapter, the parties cannot even agree on what an MIS system is or how it should be configured. We also found that the underlying data needed for an MIS is not always being collected and what is being collected may not be uniform across institutions.

A common-sense principle of an effective MIS is that the same information is collected across the system in the same way. While we did not verify

System participants raised concerns about the uniformity of available data.

the uniformity of college data and cannot speak to the extent of any data shortcomings, we noted that the Commission and colleges both raised concerns about the uniformity of data available. We were informed that the colleges are not uniformly populating, or entering data into, the available software fields. Commission staff and colleges also indicated that the colleges do not always enter data into software fields using the same naming conventions.

Commission staff said that when WHECN was transferred to the Commission, the Commission purchased common hardware and software to ensure that colleges collected data uniformly. However, the Commission has not actively managed the college's computerized data collection efforts. The Commission has not taken a leadership role to ensure uniform data collection at the colleges.

The Commission has not provided sufficient direction to the colleges.

Commission staff believe they do not have the practical power to mandate uniform collection procedures. The staff told us they believe the Commission does not have legitimacy in the eyes of the colleges to mandate such procedures. However, college officials told us they would welcome direction in this area from the Commission, which we found lacking. College officials overwhelmingly indicated to us that the Commission has not established a process to ensure uniform data entry at the college level.

Impacts of Conflict over Commission Data Collection Efforts

Without a comprehensive state-level management information system at the Commission, state policymakers may not have adequate information about the uses of the state's investment in the colleges. Currently, comparable information about all the institutions is lacking.

Existing reporting requirements may not provide adequate accountability.

The colleges believe they are held accountable through a number of reporting requirements they must meet. However, the literature we reviewed regarding management information indicates that existing college reporting mechanisms may not be sufficient to provide accountability for the use of state funds, since the Commission has not focused on collecting outcome data to this point. The Commission's data collection efforts have not provided comprehensive answers to questions about the overall value of the colleges, given the state's nearly $100 million biennial investment.

While several of the colleges reported to us that they generate localized management information, both state and local policymakers lack aggregate

information about the performance of the colleges as part of a larger system. Statutes require the Commission to establish the MIS to "provide composite data about the community colleges." The statutes imply that the Legislature desires information about the impacts of the system as a whole, not just individual college performance.

We believe the absence of systemwide data impacts local decision making. While local college trustees receive performance information about their individual college, trustees reported that little aggregate information is available to them about all the colleges. Consequently, local trustees cannot weigh systemwide conditions when making local college decisions.

Decisions Based on Perceptions Not Facts. The literature we reviewed about management information stresses that policy discussions should be based on facts about program results. Without sufficient data about college and system performance, policymakers necessarily base decisions about colleges on perceptions, not on facts. Lacking such data, we found the Commission and colleges do not have a shared understanding and agreement of the colleges' accomplishments.

Without sufficient data, policymakers must make decisions based on their impressions of performance.

During our review, some commissioners and Commission staff noted perceived shortcomings of the colleges. Other commissioners and staff believed the colleges were performing well, but did not have data to verify that assumption. One commissioner commented on college performance stating that the colleges do "a pretty good job as far as we can tell." A college trustee affirmed the need for additional data noting, "We do a lousy job of telling people about what we do. There are a lot of misconceptions out there about our role and what we provide the state. We haven't communicated it well enough."

Issues for Legislative Consideration

Does current state-level and local reporting provide the Legislature adequate accountability for its $100 million biennial investment in the community college system? Does the Legislature desire information about the performance of the seven individual colleges or system-level analysis of college data? Does the Legislature wish for the Commission to have electronic access to college data or do they simply want the colleges to provide specific information to the Commission? Does the Legislature believe the Commission is an external agency to the colleges or does the Legislature view the Commission as a seamless member of a larger system?

CHAPTER 7

Decisions About the College System

The impasse ultimately has an impact on Wyoming citizens.

In this report, we have described the impasse between the Wyoming Community College Commission and Wyoming's seven community colleges. Their relationship may be at its lowest point ever.

While it may appear only the Commission and colleges are affected, the impasse ultimately has an impact on Wyoming citizens. The current litigation is just one example of how resources have been diverted to this conflict. Further, both the state and the local districts have contributed significant funding for the operation of the colleges, and both levels should be working together to maximize the use of those resources. Instead, struggles for control have deflected energy and resources away from that purpose.

Citizen representation is a vital part of Wyoming government. During our review, we heard from commissioners and college trustees about their frustration over the struggle for control. Several officials said the ongoing conflict has made them question if there is a public benefit from their service in these capacities.

System problems have been studied, but meaningful change has not been realized.

Commissioners seemed especially beleaguered. Many perceive that, although they have been duly appointed by the Governor and have statutory directives, the Legislature does not support them when they try to implement statute. One commissioner stated, "We are doing what the Legislature mandated us to do. But legislators, for political reasons, don't back us up on the hard issues. If the Legislature cannot support the laws, change them." On the other hand, a local trustee told us, "The Commission should take our unified budget request to the Legislature, disburse the funding, and do very little else."

The struggle over the amount of state and local control in this system is not a new issue. During the past two decades, the Legislature and others have expended a great deal of time and money studying community college system problems, but meaningful change has not been realized.

The cause of the conflict is the same today as it was when it was studied by LSO 15 years ago. The impasse exists because, over the past 50 years, the Legislature has considered the roles and responsibilities of the various players on a piecemeal basis, and has not clearly defined them within the context of a system. The resulting vacuum has left system participants maneuvering for control.

Legislative Clarity is the Key

There is no one best governance structure for community colleges.

Given the escalating conflict between the Commission and colleges, it is an appropriate time for the Legislature to address these concerns. We caution that there is no one best governance structure for community colleges. Experts tell us that any structure can work and any structure can fail, but once a structure is chosen, it is most important to clearly define responsibilities within that structure.

Through the years, conflicts over governance and structure have largely been left to system participants to sort out. We believe the decisions needing to be made are of a policy nature and cannot be delegated to players in the system. Thus, our recommendations to the Legislature are twofold. First, the Legislature should reassess and prioritize the purpose of the colleges in the state. Second, that the Legislature clearly and unequivocally define the roles of the players within that context.

Developing clarity is a legislative responsibility.

Developing such clarity is a legislative responsibility, to be resolved through the political process. The Legislature will ultimately define system roles, and the legislative process will undoubtedly allow all parties an opportunity to influence the outcomes.

Agency Responses

Wyoming Community College Commission

Commissioners

Mr. Ed Jolovich, Torrington
Ms. Judith Vasey, Rawlins
Mr. Randy Hillstead, Lyman
Ms. Laura Perry, Kaycee
Mr. Don Bryant, Worland
Ms. Patricia Goodson, Sundance
Ms. Kari Gray, Douglas

Ex-officios

Governor Jim Geringer
State Superintendent Judy Catchpole

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MEMORANDUM

DATE: April 27, 1999

TO: Senator Jim Twiford, Chairman, Management Audit Committee

FROM: Judy Vasey, Chairman, Wyoming Community College Commission

COPY: Commissioners and Commission Staff

RE: Written response to LSO Report

Pages 12 & 13: *Controversy About Governance is Pervasive:* "Although services may be going on as usual at the individual college level, the governing structure that is meant to coordinate the statewide system appears, to us, to be faltering. At present, we believe the coordinating function operates in a tentative manner, as system participants continue to disagree over who has what authority in what kind of system."

The above quote asserts that system governance is faltering and coordination efforts, on the part of the Commission, are tentative. As examples, the LSO Report cites a lawsuit initiated by five of the seven colleges over salary funding appropriations, suspension of rules revision, and disagreement over data access. A more detailed look at these pending issues does not support LSO's characterizations.

The lawsuit resulted from a Commission decision to distribute a legislative salary appropriation by modifying the funding formula. The Commission took this action after considering legislators' and the Governor's intent (bringing all college system staff salaries to within 90% of comparator group salaries), discussing the issue with college administrators and conferring with the Attorney General. Knowing that the decision to distribute the appropriation on the basis of attaining *system equity* was unpopular with five colleges, the Commission's decision cannot accurately be characterized as either "tentative" or "faltering." The Commission took deliberative steps throughout the process and acted on the premise of distributing salary increase funds exactly as they were requested.

The suspension of rules revision is simply a consequence of the LSO investigation into community college system governance. Both the colleges and the Commission agreed that further effort in that area was best left until after the independent LSO review of

Casper College • Central Wyoming College • Eastern Wyoming College • Laramie County Community College
Northern Wyoming Community College District • Northwest College • Western Wyoming Community College

governance.Efforts to resolve the data access issue have been procedurally deliberate and productive, including a formal Wyoming Attorney General's Opinion, letters requesting the advice of the federal office governing use of student records, the Family Rights and Privacy Compliance Office, the creation and dissemination of a Management Information System (MIS) Handbook; and a meeting with the colleges regarding implementation of the MIS.

The LSO report section entitled "Controversy About Governance is Pervasive" correctly identifies a lack of agreement over the appropriate roles of the Commission and college trustees, but mischaracterizes the manner in which the Commission is proceeding in its coordinating function. The Commission is successfully moving ahead with recurring studies of the college system, Commission approved Special Studies, 1998-2002 Strategic Plan initiatives, and contract negotiations regarding the administrative computing system. Productive meetings are regularly held with the Executive Council (the college presidents and the executive director of the Commission), the Academic Affairs Committee (the college academic deans and the Commission dean of instruction), the Student Services Committee (the student services deans and the Commission dean of instruction), and the Administrative Services Committee (the business deans and Commission dean of planning). The exchange of ideas, discussion, and resolution of issues between the colleges and the Commission occur regularly. Although there is disagreement on issues regarding the Commission's coordinating role, significant work on the part of the colleges and the Commission is accomplished routinely.

Page 35: *Budget Practices for Colleges:* "To establish the colleges' biennium budget request, the Budget Division of the Department of Administration and Information uses the previous year's college expenditures to project costs."

The above statement incorrectly characterizes the budget request process. The budget division uses the previous year's college budget for salaries and benefits and the biennium budget for other expenditures to project costs.

Page 51: *No Established Outcomes for Program Approval, Review, and Termination:* "The Commission has the authority to establish rule and policy that would publicly express a rationale for using its program authorities, and the desired outcomes. Such direction could potentially have a powerful influence over statewide program offerings, yet the Commission has not taken on such a leadership role.... While there is an application process for new programs, the Commission's statutory directive to review and approve or disapprove programs based on 'student demand and need' has not been operationalized in Commission rule or policy."

The above statements assert that the Commission has done little to provide leadership on the issue of program review. Finding that the existing program review model did not accomplish effective program assessment, the Commission in 1997 began work on a program review model that contains 19 quantifiable measures of effectiveness and 4 quantifiable measures of efficiency. Since program review was such a contentious issue between the colleges and the Commission, achieving concurrence from the colleges was believed to be essential in establishing a workable model (because of the consultation process the model is in its 6th draft). Nine of the outcome measures are already collected and five more measures will be available by September 1, 1999.

The "rationale for using its [Commission] program authorities" regarding program approval, review, and termination is only as valid as the model that measures the desired outcomes: efficiency and effectiveness of a program. The Commission is unwilling to take preemptory and potentially harmful action before student demand and need have been thoroughly assessed.

Essentially, the Commission has established detailed outcomes for program review and termination, but will not utilize its authority until the program review model has been tested and found adequate to the critically important task.

Page 55: *Commission Data Collection Efforts Impacted by Governance Tension*: "...[W]e found a lack of agreement and conceptualization about the purpose and implementation of the system [Management Information System]."

The above statement correctly states that there is a lack of agreement between the colleges and the Commission, but incorrectly states that there is a lack of conceptualization about the purpose and implementation of the management information system. The Commission has produced a Management Information System Handbook that specifies the individual data elements to be included in the MIS, the studies to be conducted with the data, and the timelines for submission of the data. The manual also presents the statutory authority for creation of the MIS, explains how federal and state statutes will be observed in the handling of personally identifiable student records, and outlines college data review policies. The handbook was mailed to the colleges and the Office of Family Rights and Privacy Protection in Washington, D.C. in the Spring of 1998.

A June, 1998 meeting between Commission staff and college staff was held to discuss common data elements and implementation of the MIS. College staff attended the meeting, but representatives from all but one college stated that "they were instructed by their presidents not to discuss the MIS Handbook."

The Commission believes it has more than conceptualized a Management Information System; it has a concrete model.

Pages 63-64: *Lack of Agreement About Purpose:* "An additional reason an effective MIS has not been established is the lack of consensus on what outcomes an MIS should track. We found that explicit purposes for data collection have not been well defined."

The above statements and several others throughout Chapter 6 indicate that system participants are unsure as to the purpose of a management information system. Although the LSO audit committee may have interviewed college system participants who expressed uncertainty about the intended purpose of the statutorily mandated efficient and effective operations of the college system, the Commission, with the assistance of college staff, have produced what we believe to be a copious definition of accountability. Producing empirical evidence of the level of efficiency and effectiveness of the college system, and improving on the system, *is* the end purpose of a management information system. The Wyoming Community College System Strategic Plan 1998-2002 is the document that, in part, defines the MIS. It identifies 61 outcome measures based upon the Commission adopted, *American Association of Community College's Core Indicators of Effectiveness* (the MIS Handbook also lists the Strategic Plan Indicators).

The first paragraph of the Strategic Plan states the purpose of its creation:

W.S. 21-18-202 through 317, Session Laws of Wyoming, 1985, as amended 1991, define the roles and responsibilities of the Commission and the colleges. The purpose of the Strategic Plan is to distinguish goals and objectives related to those mandates and to provide for accountability measures related to the objectives.... State support for the two-year colleges of the System places a strong obligation on the Commission to perform its roles of coordination, advocacy, and accountability. The Plan addresses those concerns in the tracking of appropriations and the development of assessment measures.

The Strategic Plan was developed through consultation with college staff and adopted by the Executive Council (the college presidents and the executive director of the Commission) in 1997. Aside from stating a purpose, mission, and vision, the Plan identifies 61 objectives with respective outcome measures and data sources. Although page 64 of the LSO report reads, "several system participants said the plan is not actively applied," these system participants are misinformed. The Commission has gathered and continues to gather strategic indicator data that will be submitted with the September 1999 budget request. Uniform student survey questionnaires were developed through consultation with the colleges over the last 15 months and three of these surveys have been administered. The results of these surveys (already submitted to Commission staff) are part of the strategic indicators listed in the Plan. The Commission expects to report this fall on approximately one third of the strategic indicators listed in the Plan (this is the first year of the Plan's implementation).

The June 12, 1997 minutes of the Commission meeting proposes over 50 strategic indicators that will become part of the management information system (data elements typical of other states' MIS systems). Additionally, the June minutes assign 11 Special Studies of the college system to Commission staff (4 of the studies have been completed and 4 more are in progress).

While the LSO report finds that "there is not a clear understanding" of the objectives of the MIS among system participants, the Commission has collaborated with college staff to accomplish clearly defined goals and objectives related to system accountability. Most state coordinating boards/commissions have electronic access to system data and so the design of accountability studies does not require individual data requests like those in the Wyoming System. The Strategic Plan, the MIS Handbook, and the minutes of the June, 1997 Commission meeting are the documentation developed to define and explain data requests needed to demonstrate system accountability and ultimately, to improve the efficiency and effectiveness of system operations. When the Commission was denied access to data stored on the administrative computing system, we adopted a compromise position that led to the development of the MIS Handbook whereby studies of system accountability could be conducted through scheduled data requests.

The LSO audit committee was provided copies of the AACC Core Indicators of Effectiveness, the Wyoming Community College System Strategic Plan 1998-2002, the Effectiveness and Efficiency Research Model, and the June, 1997 Commission Meeting Minutes.

Judith L. Vasey 4-29-99

Judy Vasey, Chair, WCCC Date

Casper College
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OFFICE OF THE PRESIDENT

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MEMO TO: SENATOR JIM TWIFORD, CHAIRMAN
MANAGEMENT AUDIT COMMITTEE
WYOMING STATE LEGISLATURE

FROM: LeROY STRAUSNER, PRESIDENT
CASPER COLLEGE

RE: RESPONSE TO LSO COMMUNITY COLLEGE AUDIT

DATE: 4/28/99

Senator Twiford:

The Board of Trustees and administration at Casper College would like to express our appreciation to the staff of the Legislative Service Office who were responsible for the development of the Community College Governance study. Their efforts were thorough, objective, and thoughtful.

It bears stating that in recent years Wyoming's community colleges have enrolled more than 40,000 residents in classes. From Appendix E of this report we see that 20,122 Wyoming residents were enrolled in credit generating classes, another 20,000 enrolled in non-credit continuing education and community service classes. Wyoming leads the nation in the percentage of population who are enrolled at community colleges. Likewise, we have the highest portion of any state in the Union who hold associate degrees. All seven colleges hold the highest level of regional accredidation possible.

It is also our contention that the Wyoming Community College Commission (WCCC) ought to play a valuable role in coordinating our colleges, rather than governing the colleges. This past year the Trustees and administrators of all seven colleges developed a proposed legislative package which recognized the importance of the WCCC in monitoring accountability, avoiding excessive duplication of programs, new program approval, budget authorization, and other responsibilities. That proposed agenda was withdrawn by mutual agreement of our Trustees and the WCCC pending the outcome of this study. That agenda also clarified the respective roles of both the Commission and our locally elected Boards of Trustees. It is our contention that such elected Boards are the most effective body in monitoring the operation and governance of the colleges.

I have a modest list of issues that I wish to call to your committee's attention.

PAGE 35, paragraph 1, second sentence: "we believe the state has not clearly articulated the purposes for which community college funding is appropriated, nor has it made clear its expectation for desired outcomes." Such statements occur in multiple locations in the study, however, it is our belief that the Wyoming State Legislature did define the role of the colleges in the 1991 Session Laws (Chapter 228) when it passed a Mission Statement for the colleges. This Mission Statement is included on PAGE 4, paragraph 1 of this report:

> ". . . provide access to post-secondary educational opportunities by offering broad comprehensive programs in academic as well as vocational-technical subjects. Wyoming's community colleges are low tuition, open access institutions focusing on academic transfer programs, career and occupational programs, developmental and basic skills instruction, adult and continuing education, economic development training, public and community service programming, and student support services."

PAGE 37, paragraph 3, last line: ". . . many trustees and presidents suggested their primary allegiance and responsiveness are focused locally." From a governance perspective we believe the best decisions can be made by a locally elected Board which feels responsive to the pressing needs of the community and college service area. This is not to say that any Board is only interested in providing higher education to the students in their home community. The data provided in this report (Appendix E) indicates that 42.5% of the credit seeking students enrolled in our colleges do NOT reside in a college district. Appendix E illustrates that 8,551 students from non-college communities are enrolled for credit classes. Significant outreach efforts have taken educational opportunities into nearly every community in the state. Current technological advances now make courses available via telecommunications, the internet, and interactive video.

PAGE 42, paragraph 2, lines 6 – 8: "An unwillingness to collaborate, . . ., could ultimately result in inefficient management from a state perspective." I am unaware of incidents when colleges were unwilling to work together to facilitate educational opportunities across the state. To cite a few examples involving Casper College: 1) within the month, five students from the Wind River Indian Reservation will receive associate degrees in Early Childhood Development, these students received all their general education classes from Central Wyoming College and their specialty classes from Casper College; 2) we offer our Fire Science program in Rock Springs, Cheyenne, and Gillette with the support of the colleges in each of those areas; 3) we conduct a state-wide program in the area of Water/Waste Water Management with the full support of all colleges. Two months ago, we were asked to provide training in a specialized area in which we did not have trained faculty. When I called President McFarland at Central Wyoming to discuss the issue she immediately offered to send a faculty member to Casper to help provide training. It is my opinion that our colleges work closely and collaboratively.

PAGE 49, paragraph 3, lines 2 – 4: "If proposed rules are approved, some college officials are alarmed that local boards would have to request Commission approval to terminate programs." This statement is indicative of the drift towards greater control over decision

making from a statewide board vs. locally elected boards. Colleges are not interested in running programs that are wasteful or unnecessary. This statement also serves to note the significant elimination of rules and their replacement with policy handbooks. Rules have historically been interpreted as having the effect of law and therefore required the formal processes outlined in the Administrative Procedures Act before changes could be made. Policy handbooks can be changed at a single meeting without the opportunity for public comment periods or hearings.

PAGES 55 – 66: In this writer's opinion the challenges related to data access were resolved at the March, 1999, meeting of the Commission with the adoption of a data request protocol which complies with federal privacy laws. (See report, PAGE 60, paragraph 3) The utilization of this protocol will relieve the colleges of the fear of losing Title IV student financial aid and running the risk of legal exposure for violating the privacy rights of our students and employees.

We appreciate this opportunity to comment on the management audit report. Thank you.

Central Wyoming College
2660 PECK AVE.
RIVERTON, WYOMING 82501
307-855-2000

Office of the President

LEGISLATIVE SERVICE OFFIC
MAY - 3 1999

April 29, 1999

The Honorable Jim Twiford, Chairman
Management Audit Committee
Wyoming State Legislature
State Capitol Building 213
Cheyenne, WY 82002

Dear Senator Twiford:

Central Wyoming College appreciates the opportunity to respond to the revised draft of the LSO report on Community College Governance. Compliments are due to Barbara Rogers and her excellent team of evaluators who throughout the process demonstrated integrity, thoroughness, professionalism, and the ability to balance divergent, and often conflicting, views of the community college system. We especially thank the LSO team for taking the time to visit each individual college campus. We believe that such visits undoubtedly contributed to an understanding of the uniqueness of each college and the differences among areas and communities served by each college.

Legislative clarity would help reduce tension between the Commission and the colleges.

While the LSO audit process gains from an outside, objective view, it perhaps also misses some of the nuances available only to those within the system. Thus, it is expected that our college, or any other, might suggest different wordings or interpretations of what may appear to be essentially factual material. What is clear in the report and true in the system, though, is that there is tension between the two tiers of the community college system: the Commission as a coordinating body and the locally elected governing boards.

The statement which best captures the source of this tension is that *"there is no clear indication of when the authority of one level supersedes the authority of the other level"* (page 2). General legislative language charging the Commission with ensuring the "operation and maintenance of the community college system in a coordinated, efficient and effective manner" is overly broad, especially when applied to locally governed political subdivisions of county government. We agree with the report's conclusion that "legislative clarity" (page 68) is the key.

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The colleges sought to provide such clarity by suggesting legislation whereby the statutory language relating to the Commission would specifically state legislatively mandated duties and responsibilities of the Commission and that "[a]ny other authority, responsibility or activity relating to community colleges shall reside with the board of trustees of the appropriate community college district." Any new legislation should also make clear the distinction between independently governed colleges with substantial sources of local funding from state colleges completely funded at the state level.

Lack of legislative clarity with respect to Commission authority has also led to tension between and among colleges.

Wyoming statutes give the Commission the responsibility for submitting a budget request on behalf of the colleges, so that colleges would not have to lobby the Legislature for their own needs. Sometimes, as noted in the revised draft, "the colleges have requested state funding through the Commission for salary adjustments" (page 37), often to achieve very particular purposes. It is expected and, in fact, stated in statute that state aid is to be distributed based upon the "amount determined to be necessary to maintain services for the particular college" (W.S. 21-18-205 (c) (i)). As noted in the revised draft, "no system participants wanted to return to the situation where colleges individually presented their budgets to the Legislature and competed against one another for funding" (page 30). All colleges are not equal--in terms of size, local county wealth, or legislative clout. One of the most important functions of the Commission is the equitable distribution of state funds to the colleges. Without an oversight coordinating body, the larger colleges with larger legislative delegations would likely prevail in the legislature on the basis of sheer numbers alone. Should the Commission be stripped of its authority to make decisions on funding distribution, the colleges will be forced once again to individually lobby the legislature or to compete against each other, often on very unequal playing fields.

Separation of powers is blurred.

The revised draft noted the importance of "separation of powers" (page 31). Currently, with one of the college presidents also serving as state senator, the lines have become very blurred. This is an area that needs to be examined.

The colleges are also often confused about to whom the Commission Executive Director reports—to the appointed Commission or to the Governor? It is also confusing as to whether the Commission reports to the legislature or to the executive branch of government.

The colleges can meet service area needs within the parameters of the state mission.

In 1991, the legislature established a state mission for the colleges, which articulates functions of the comprehensive community college. The legislature also directed the colleges to be responsive to their service areas. Local governing boards meet that mission in specific response to the needs of their own service areas. Local boards levy special taxes for capital construction and develop specialized training to meet the needs

of local businesses. A more specific state mandate for the colleges would discourage colleges from responding to emerging needs in their own service areas in favor of statewide goals, perhaps attached to incentive funding, that might not fit as well with local needs. As noted in the revised draft, "[i]n an increasingly client and market driven environment, removing rules or controls (deregulation) is a strategy that increases competition which results in more distinctive options for students" (page 32).

Colleges must be accountable to the state.

The revised report implies that the colleges are resisting accountability studies. Colleges are already directly accountable to the locally elected governing board. The colleges agree that they must also be accountable to the state that provides a substantial portion of their funding. In fact, the colleges compiled an extensive list of studies that they had agreed to provide to the Commission. Many of the studies grew out of the college system strategic plan, which was developed jointly by the Commission and the colleges. In addition to state required studies, the colleges produce numerous reports for the regional accreditation board, for federal agencies, and for other specialized accrediting bodies. (List of Studies Attached) However, the legislature must carefully weigh the need for such an extensive list of studies against the time and resources needed to produce them, since such research drains valuable resources away from direct educational investment in students.

Conflict over data access is based on federal law.

Chapter 6 in the report on the "Management Information System" characterizes the dispute over data access as a conflict between the Commission and the colleges. The dispute, which arose when colleges cut off Commission real-time electronic access to college records, is a legal one. In short, college presidents became alarmed that allowing such indiscriminant access to personally identifiable student records might constitute violation of federal FERPA (Family Educational Rights and Privacy Act) requirements, possibly jeopardizing federal student aid funding. Each college president asked for an independent opinion of his/her college counsel and received the same advice: that as custodians of records, colleges must not release personally identifiable data without first ascertaining the specific purpose of each study, its use and dissemination, and when it will be destroyed. To ensure that colleges would have the legally required information before releasing data, the colleges developed a "data access template" that was sent to the Executive Director of the Commission and finally accepted on March 5, 1999. It would be inaccurate to interpret this conflict as reluctance on the part of the colleges to provide data to the Commission. With implementation of the data request template, the colleges anticipate an ability to respond in a timely fashion to Commission requests for data (See attached data request document).

Are colleges overbuilt?

The revised draft indicates that "many college officials agreed that the colleges are currently overbuilt" (page 43). We would not accept this statement as true if applied to

all seven community colleges in the state. Certainly, at least one college, which is located in a very wealthy county, is overbuilt, compared to the other six colleges. But as noted by the NCHEMS official currently studying the community colleges, Wyoming community colleges are more similar to small liberal arts residential colleges than to most community colleges across the nation which are more likely to be commuter colleges. Wyoming community colleges serve as the cultural and recreational center for their communities. Thus, they may appear to be overbuilt by the most community college standards. To suggest that the colleges would seek voter approval for capital construction projects merely to gain through the current funding formula is absurd. The current funding formula simply can't adequately support maintenance of college facilities.

College funding has declined over the years.

College funding per student over the past ten years has not kept up with rising costs of education, especially considering the tremendous investment required to keep up with technology. In addition, colleges are continually asked to do more. If the colleges were more adequately funded, many of the conflicts within the system would disappear.

In closing, we want to thank you for inviting our participation and comments in this process. We look forward to further dialogue with the Management Audit Committee.

Sincerely,

4/29/99

Jo Anne McFarland, Ph.D.
President of the College

cc: CWC Board Members
College Presidents
College Commission
Commission Executive Director

College Reports Provided to the Commission

Biennially

Biennium Budget—CWC
Biennium Budget–WPTV
Requests for Budget Authority Increases—Biennium Budget—CWC & WPTV

At least annually

Enrollment (audited)
Budget (audited)
Outreach enrollment and funding
Physical facilities
IPEDS **(Annual Finance Survey, et. al.)**
WUE
Developmental studies
Concurrent enrollment
Program review
College staffing: **Staffing Reports as to yea s of service, faculty ranking, degrees, etc.**
Audited Annual Financial Statements—CWC
Audited Annual Financial Statements—WPTV
Annual Budget
Annual Budget w/ previous year's estimated column updated to Audited Annual Financial Statements
Local Revenue Projection—Biennium Update
Requests for Budget Authority Increases—Annual Budget
Staff Salary Studies
Graduate Survey Results – FA97 for WCCC

Quarterly

Revenue & Expenditure Reports

Periodically

North Central Self -study, report, and institutional response
Chart of Accounts

Special Studies Scheduled

Concurrent enrollment
System staffing
Program duplication
Comparative costs
Tuition and fees
BOCES
Student access
Student financial aid
Student retention/success/placement
Institutional/program accreditation
Economic impact
Alternative delivery courses

Strategic Indicators

Short-range
AACC Core Indicators

Long-range

Revenue (6)
Expenditures (5)
Facilities (5)
Media and technology (7)
Human resources, student (21)
Human resources, employee (16)
Program (8)

[redacted]

All requests for data from the community colleges should be directed to the college presidents.

Date of Request:

To: College Presidents: (List)

Institutions: (Check institutions)

- ☐ Casper College
- ☐ Central Wyoming College
- ☐ Eastern Wyoming College
- ☐ Laramie County Community College
- ☐ Northern Wyoming Comm. Col. Dist.
- ☐ Northwest College
- ☐ Western Wyoming Comm. College

cc: Institutional Research Office at each college

From: _____ _____
Agency Head/Director Requesting Agency

Name of Study:

Submission Due Date:

****

A clearly defined problem must exist prior to any data request. If the objective or request from an outside entity is vague, the requesting staff should work with the college Institutional Research staff to further define the objective and data needed before the request is made.

1. Describe study or report to be written in detail (if for strategic indicators, specify which ones; if a special study, identify which one; etc.):

2. Explain how data relates to the purpose of the study. In order to avoid inconsistent data submission, the exact Colleague file and data fields must be listed (include data fields, definitions of terms, etc.; attach list if lengthy) . If you need assistance with identification of exact Colleague files and data fields, please feel free to contact the Institutional Research Office at one of the colleges for assistance:

3. Specific purpose for data in detail:

4. Reference the Statutory Authority for seeking data:

5. Provide electronic template in the format being requested such as an Excel file or other "common" software program. Template must include data field name with definitions and coding specifications and a sample data submission form:

6. Specify how data is to be transmitted (electronic, hard copy, etc.):

7. Specify how confidential or personally identifiable data will be handled:

8. Will personally identifiable data be disclosed to any other party than the requesting agency of this data request?
   ☐ No
   ☐ Yes; if yes, student releases must be obtained by the requesting agency as per FERPA, Section 99.33 which states, "An educational agency or institution may disclose personally identifiable information from an education record only on the condition that the party to whom the information is disclosed will not disclose the information to any other party without the prior consent of the parent or eligible student."

9. Specify when personally identifiable data will be destroyed (data must be destroyed in compliance with FERPA requirements):

10. Describe in what form data will be disseminated (aggregate, individual, etc.):

11. Describe to whom the report or study will be disseminated:

12. Requested timeline for verification of data by colleges (if timeline is not adequate, college president will not sign):

****

Requesting Agency Head/Director	Date	College President	Date
Requesting Agency Signature denotes responsibility for handling data in compliance with FERPA and all state and federal requirements.		No data will be released without College President's signature.	

Eastern Wyoming College

3200 West C Street • Torrington, WY 82240 • 307-532-8200 • FAX 307-532-8229

MEMORANDUM

TO: The Honorable Jim Twiford
Chairman, Management Audit Committee

FROM: Jack L. Bottenfield, President JLB
Eastern Wyoming College

DATE: April 28, 1999

RE: **EWC'S RESPONSE TO LSO PROGRAM EVALUATION**

Thank you for the opportunity to comment upon the LSO report. We enjoyed working with the nice folks on the LSO staff and recognize they put a lot of hard work and dedication into the study and report process.

We at EWC also deeply appreciate the support and encouragement which we have received from the Wyoming Legislature. We continue to thank you for that support. We respectfully submit the following comments for your consideration:

1. Page 23, last paragraph

   Suggest that the last sentence be revised to read as follows:

   "Some might be the relative authority of the local boards, the executive and legislative branches of state government, the capacity of the state to support higher education, and the state's political culture and traditions."

2. Page 39, second full paragraph

   Suggest that the following be added at the end of this paragraph:

   "However, it is extremely unlikely that all seven community colleges could get the additional five mills passed in each of their districts. This difficulty in getting additional local millage passed in all of the seven college districts will in all likelihood be increased if the state has to pass additional taxes in the future thus making it even more unlikely that all seven colleges could each get the additional five mills passed. Further for EWC, each mill only brings in approximately $70,000!"

3. Page 42, first full sentence

   Again, this is not a matter of preference. Please see comment #2 above concerning the difficulty of getting local mill levies passed.

4. Page 55, paragraph 2

   Suggest that it is not a matter of conflict over authority of the Commission and the colleges, but rather it is a conflict between the state and the federal government over the implementation of the Federal Employee Right to Privacy Act and the colleges are caught in the middle.

LARAMIE COUNTY COMMUNITY COLLEGE

OFFICE OF THE PRESIDENT

April 29, 1999

The Honorable Jim Twiford, Chairman
Management Audit Committee
Wyoming State Legislature
State Capitol Building 213
Cheyenne, WY 82002

Dear Senator Twiford:

Laramie County Community College (LCCC) appreciates the opportunity to provide written response to the Legislative Services Office (LSO) study, Community College Governance, May 1999. First, we wish to commend the LSO staff for their professionalism and concern for fairness and balance. Our concerns with the study are few and will be noted at times by page number and in a few cases will be stated as our opinion on certain broad principles.

First, let us state that Wyoming has seven equally strong community colleges which share a strong national reputation, especially within the 19-state region covered by the North Central Association of Colleges and Schools, Commission of Institutions of Higher Education. This organization is the regional accrediting body which sets and expects high performance from its member organizations. It is this accreditation which provides course transferability to other colleges and universities (vocational/technical courses are excluded). Wyoming's community colleges have maintained this high level of quality, even though state funding per student has declined and total funding per student has remained at about the same level as it was a decade ago. It is LCCC's opinion that this high quality flourishes in the climate established as the result of local control which exists within Wyoming. Typically, in states which have central governing boards, most community colleges do not stand out. This should not be surprising when one considers that businesses, industries, and even governments have found that centralized control is not effective and that authority must be pushed out to the local level. We in Wyoming believe this with our relationship to the Federal Government and the legislature has strived to maintain this principle as it dealt with court mandated K-12 reform. Should not this same principle, i.e. local control, be followed as the legislature deals with community college governance? Does this mean that LCCC is opposed to a coordinating function for the Wyoming Community College Commission (WCCC)? No. Our position will be elaborated, in part, within this letter.

Now for some comments on sections of the text:

Page 16, last two paragraphs: This section seems to imply that since the WCCC reaches decisions through a consensus process involving the colleges and thus has rarely voted to exert its statutory

Charles H. Bohlen, Ph. D., President • 1400 East College Drive • Cheyenne, Wyoming 82007 • (307) 778-1102 • FAX (307) 778-1320

authority in ways contrary to college positions, it is not fulfilling its statutory responsibilities. LCCC would submit that a good consensus process does what it says it will do, i.e., brings parties together for a common decision within the established rules, in this case, state statutes. It does not necessarily mean that any group has given up its statutory authority. A participatory consensus building process should eliminate stress in the system, which is one of the goals of this legislative review.

Page 18, last paragraph, which extends to page 19: LCCC does not propose that statutes be changed "...to delete the Commission's authority to implement rules to operate the community college system in a coordinated, effective and efficient manner." Instead, the college suggests that this language be removed and that the statutes be explicit about what coordination should occur, and what activities the WCCC should carry out to bring about efficiency and effectiveness. LCCC believes that a review of WCCC actions over this decade will show that the words "coordinate the community college system in an effective and efficient manner" have served as an open ticket to exceed statutory authority and take authority which had historically been granted to local boards. In other words, the WCCC's authority needs to be spelled out and this nebulous language which grants authority should be eliminated.

Pages 25 and 26: It should be noted that typically in states which have consolidated governing boards, local taxes are not collected and thus the states and students pay for the majority of college operations. Table F is somewhat flawed if this standard is used. Virginia and Colorado (except for two colleges) have consolidated governing boards.

Page 28, second paragraph: That outside agencies have had to work with each college rather than just the WCCC in coordinating research projects and other activities is an artifact of the disagreement on data access, which we will discuss later.

Page 38, third paragraph: LCCC supports the formulation of a consolidated funding request as long as colleges have significant input into forming the budget request.

Page 39: It should be noted that the five mills passed by the voters of Laramie County are for a very specific purpose, that is renovation and repair of the existing campus in Cheyenne. It is a unique way of providing funds which would traditionally come from a bond issue. This millage is NOT for the general operations of the college. Further, there is an implied social contract between the board of trustees and the voters that the board will not recommend renewal of the five mills at the end of four years. This was necessary to secure a majority vote. This section of the report implies that major increases for community college funding would be found if only boards would go to their voters for the additional millage. While this is theoretically possible, it is not feasible in today's taxpayer climate and boards cannot make permanent allocations, such as salaries, on millage that can be repealed by the voters after four years. Also, such funding would be very unequal since there is such a disparity of wealth among the college districts.

Page 41, fourth full paragraph: LCCC strongly disagrees with the conclusion that the criteria the WCCC uses to distribute contingency reserve funds (coal bonus funds) motivate the colleges to look needy. The colleges look needy because they are. The funds received through the coal bonus contingency reserve fund, while appreciated, is a drop in the bucket to the amount of revenue needed to support the physical plant assets of each community college. LCCC has an $80 million facility that,

based on industry standards, needs between $1.6 to $2.4 million annually to keep up with preventative maintenance needs. Again, the colleges' funds per student have increased little over the last ten years. Also, local boards are aware of the mood of their taxpayers and are reluctant to go after extra millage, especially if their taxpayers are retiring college bond issues. For instance, LCCC's five mills passed only by approximately 800 votes. If the legislature passes additional taxes, then passing of additional millage will become even more difficult.

Some general comments on program approval, review and termination, and MIS.

Program approval, review, and termination:

LCCC does agree that the WCCC should have approval authority for the establishment of new programs. Over the past decade, the WCCC has rigorously asked colleges to verify local needs for any new programs and to justify why duplication should occur. LCCC did not get its dental hygiene program approved the first time. It had to provide additional data to prove that there was a local need and that it would not take students away from the existing program at the Northern Community College District. LCCC sees significant conflict if the WCCC retains its authority to terminate existing programs. LCCC's board is convinced that it has processes in place which allow it to determine which of its programs meet legitimate local needs. It does not believe that a central authority can make those decisions. Also, we believe our board must have the authority to terminate programs if it is to govern the college effectively. We can envision significant discord which will make its way into the political arena if WCCC retains this authority and exercises it.

MIS:

LCCC agrees that the college must be accountable on a statewide basis. However, we also believe that the WCCC's MIS plan far exceeds the accountability information called for in the Strategic Plan for Wyoming's Community Colleges. The accountability measures in the plan are based upon those suggested by the American Association of Community Colleges after significant input from public and community college officials. The WCCC's plan, when fully implemented, will place a great data collection burden on the colleges and confuse the public because of the sheer volume of information.

While we believe that MIS for accountability purposes is important, we have concern that the WCCC has significantly reduced its support of administrative computing in order to focus on MIS. We contend that administrative computing must be of the first priority and that statute should reflect such. It is administrative computing which provides registration and record services to students and financial services to students, employees, and vendors. These are the very people for whom our colleges exist. An ongoing source of conflict, beginning with the rules regarding MIS and administrative computing, has been the de-emphasizing of administrative computing by the WCCC. It is our position that the colleges have to serve students before there can be any data for a MIS.

We do not believe that the section of the report dealing with MIS does justice to the colleges' position on data sharing. The colleges' position on the Family Education Rights and Privacy Act (FERPA) is not developed until near the end of the discussion and the seriousness of the colleges' position is not adequately portrayed. The colleges' opinion was independently arrived at by each institution's attorney. The position is that with local tax support and local boards, colleges are separate entities from the state

and thus FERPA requirements must be met for sharing of personally identifiable data with the WCCC and other state agencies. That is, the WCCC must state the purpose of the study, what data it wants, and how long it will maintain the data. It is LCCC's opinion that when the WCCC meets these requirements, LCCC is obligated to provide this data. Please note that we provide this data electronically. **LCCC sees its position as a very serious matter of law**. If we were to allow live and total electronic access to our computing system, we would be forgoing our custodial responsibilities because personally identifiable student information would be available to the WCCC without FERPA requirements being met. If the colleges do not follow FERPA rules, **then students would not be able to receive federal financial aid**. Our position has been to protect students' financial aid, not to obstruct the WCCC's ability to do its statutory work. Page 63, second paragraph states the Federal Department of Education's Family Policy Compliance Office supports the colleges' position in this matter. It is our sincere hope that the legislature does not pass legislation which places the colleges between conflicting Federal and State authority. Over a year ago, the colleges proposed a solution to this impasse. At its March 1999 meeting the WCCC approved a solution which allows the colleges to be compliant with FERPA and still provide personally identifiable information to the WCCC in an electronic format. We believe that the Issues for Legislative Consideration on page 66 suggest that the legislature develop legislation which will conflict with federal legislation.

Finally, we believe the scope of the MIS work planned by the WCCC moves it from an "accountability agency" to a "regulatory agency." We believe that the WCCC in principle sees itself as a regulatory agency. This attitude precedes current WCCC members and staff, and college officials. We believe that it is innately impossible for a regulatory agency to be an advocacy agency. For example, what mineral company would see the Environmental Protection Agency as its advocate? If the legislature wishes to have the WCCC serve as an advocate of community colleges, it must determine whether the WCCC is a regulatory agency or an accountability agency. We would suggest the latter. We strongly suggest that the legislature consider the last line of the second paragraph on page 61, "GASB and other literature we reviewed stresses that accountability systems should monitor and report on only a few straightforward measures, allowing policy makers to more easily gauge performance." We believe that this issue is deeper than an issue of simplicity.

We thank you for the opportunity to provide additional input and we offer our assistance in reaching solutions which will be best for the people of Wyoming.

Sincerely,

Cheryl A. Porter

Cheryl Porter, Chair
Board of Trustees
Laramie County Community College

Charles H Bohlen

Charles H. Bohlen, President
Laramie County Community College

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NORTHERN WYOMING COMMUNITY COLLEGE DISTRICT
SHERIDAN ▰ GILLETTE

TO: Senator Jim Twiford
Chairman, Management Audit Committee

FROM: Steve Maier
President

DATE: April 27, 1999

In response to the draft Community College Governance report of May 1999, the Northern Wyoming Community College District offers the following response. We preface the remarks with our appreciation for the professionalism displayed by the Program Evaluation staff, led by Barbara Rogers. The task was complex and difficult but we believe that the staff did a good job of listening to the various views and summarizing the key issues.

It seems to us that the legislature has developed a relationship with the colleges that has allowed for the development of one of the best groups of community colleges to emerge anywhere in the country. By any measure, Wyoming's community colleges excel. All have received the longest accreditation term offered by the North Central Association Commissions on Institutions of Higher Education, 10 years. Much of the accreditation process focuses on institutional effectiveness and student learning outcomes. Many individual programs are accredited as well. Our graduates do as well and usually better than native students do when they transfer to the University of Wyoming, and our licensure pass rate is well above the national average for career programs. The counties that own the colleges continue to pass levies to enhance the physical facilities. Wyoming residents still turn to the colleges for job training and upgrades, and enroll at a higher rate than in any other state. The colleges provide service to Wyoming residents in virtually every community of any size. Student ratings, citizen ratings and outside "experts" (MGT, 1991) give the colleges high marks for quality and responsiveness.

Interestingly enough, the colleges have achieved this level of service and quality in a relationship in which the state has provided substantial financial support, while the locally elected Trustees have provided the institutional guidance. It would seem that the traditional Wyoming values of local control, conservative financial management, high expectations and access to education have effectively come together in the seven colleges that are a model to the rest of the nation.

The colleges began as financially independent institutions. Over time, it became evident that additional funds would be needed for the colleges to serve all of the state residents who either came to the colleges or were served in their communities. A relationship or "covenant" developed between the colleges and the state in which extended services were provided in return for state financial support. Nothing in this relationship abrogated the legal basis of the colleges nor guaranteed the financial support of the state.

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Until recently, the colleges and community college commission have worked within this covenant. Discussion and "consultation" have served to allow various points of view to be heard and resolved without serious disagreement. Recognition of the underlying interests of both the commission and the colleges has allowed for mutually agreeable solutions to emerge. However, recent efforts to consolidate key decision making at the agency level and the commission's decision to diminish consultation with the colleges have led to a proposal from the colleges to legislatively clarify the roles of the commission and colleges in the coordination and governance of the colleges.

We know that the colleges are owned and operated by the counties that created them. As subdivisions of those counties, college districts have elected Trustees and local four mil levies are required of the county residents. Indeed, all colleges levy an additional mil and most even more.

The question before this Committee is how far the legislature will interject a state agency in the management of a county entity? What is gained and what is lost? Will the citizens of the sponsoring counties and the state be better served?

The report identifies by chapter most of the issues that have caused the present situation. We would like to offer our comments to those of the program evaluators.

Legislative direction

We believe that the legislature has given the colleges clear direction as to the kind of services that are to be offered through the mission statement adopted in 1991 by the legislature. **Access** is the word central to the mission statement, and we have greatly expanded that access in the intervening years. Some of us believe that the expansion of access to all corners of the state and the state financial support that allowed this expansion is the basis for the "covenant" between the colleges and the state. In addition, each of the colleges is comprehensive in its offerings but with different emphases. We feel that the legislature has provided direction to us.

Current law suit

The executive director of the commission suggests that "this suit is a test of whether or not the state system functions as a system." Instead, we believe it is a test of whether the commission will function within the law. Further, the report states that "although existing rules are technically still in effect, the commission has moved towards practices outlined in the revisions, believing they comport better with statutory directives." However pure the motive, this is a violation of law (Administrative Procedure Act) and certainly a concern to us. If the commission admittedly operates beyond the law, what kind of relationship can we have?

Consensus and consultation

Until the beginning of the current decade, the colleges and commission were able to work together to resolve common issues. With the arrival of a new director in 1990, it became necessary to formalize the consensus development process. A "consultation policy" was created and adopted by the commission. Using this policy, the first rules were developed. More recently, the newest director has recommended and the commission has agreed to minimize the consultation policy. The earlier commitment to work together to attempt

consensus on difficult issues is gone and, as a consequence, we have more public disagreement. This was a decision of the commission that was opposed by the colleges.

Commission role

Throughout the report, there are references to colleges wanting the commission only to present budgets to the legislature and distribute the funding. In reality, the colleges have offered a proposed change to statute that would have the commission perform a variety of accountability and decision making roles. This is our position.

Governance models

The report references the state's policy environment and recognizes that the colleges are local institutions. Yet the colleges, when compared to K-12 and the University, may be the most regulated. We believe that local control and not state agency control fits with Wyoming's policy environment.

Program approval and termination

Within the discussion of program duplication, there is little mention of "necessary" duplication. To operate a transfer program, most courses will be duplicated so those students can transfer into their junior year. Technical programs are sometimes duplicated, but in response to the needs of local business/industry and to a market that can sustain the program. With limited resources, colleges would not maintain programs that were not effective in meeting a need. Businesses can't move and neither can many of our students, so some duplication is necessary.

Much of our concern with a new emphasis on program termination by the commission has to do with the methodology. As an agency in Cheyenne, the approach to program review is to count and compare. But numbers tell only part of the story. Our concern is that numbers will be used to make termination decisions. In reality, programs have levels of quality and an interrelatedness that permeates the entire institution. Like dominos, the termination or even modification of one program has an effect on others. College managers understand this; bureaucrats do not.

Looking back to the budget process before the block grant appropriation, each college had to approach the JAC and defend its various programs. The legislature was then in a position to make program decisions but chose instead to move to the block grant where management decisions are made locally.

Program offerings and statewide perspective

The report suggests that program decisions are made based only on local and institutional needs, without regard to statewide interests. The evidence does not support that conclusion. For example, our college district initiated a statewide hospitality management program at the request of the industry. In fact, the industry provided about $30,000 for start up costs. We currently have agreements with schools in Cheyenne and other communities to provide articulated course work to move students into this career.

We recently initiated an educational interpreter (signing for the deaf) program at the request of state education entities in Wyoming, Montana, and South Dakota. This successful program has

had a presence in several Wyoming communities and was a response (with no new funding) to a state and regional need.

Our Mine Safety and Health Administration training program is fundamental to the industry in Wyoming as all vendors are required to have completed this prior to entering a mine site. In cooperation with Western Wyoming Community College, this program is offered from sites in Gillette and Green River. In a related move, we started a railroad-training program at the request of that industry.

There are other examples of colleges creating programs to deal with statewide needs without the direction, but with the approval, of the commission.

Management Information System (MIS):
The colleges agree that a MIS of some sort is desired. We have asked the commission repeatedly that it be defined, rather than continue as an abstract concept. In the proposed statutory change, a MIS is described, along with accountability measures. The proposed college solution provides more data than do colleges in other states with similar governance and funding systems.

There is a serious error in the report regarding electronic access to college data. On page 58, the implication is that for only several months in 1997 was the commission able to access college data electronically. The truth is that the commission staff had full and/or limited electronic access from 1992 to January of 1998. Throughout the year of 1992 the commission network staff had an account, "netsup," with 100% read/write capabilities both at the Colleague (administrative software brand) and system level. This account continued to be available until Central Wyoming College wrote a program that allowed read only capability in June of 1997. This was on the account "wccc" and that access was available to and used by the commission until January 20, 1998. The event triggering the discontinuation of electronic access to college data systems was the demand by the commission director that unfettered read/write access be provided to all college databases, including college personnel and student records. When asked what the data was to be used for, the response was that they didn't know but it might be useful someday. As custodian of these records, it was neither prudent nor legal to allow complete access without some safeguards.

The colleges offered a solution to this problem but the commission rebuffed it. After over a year on the table, the commission recently accepted the proposed solution in the form of a template for data requests.

Conclusion
We believe that a coordinating commission is needed. The state has too much money involved and so many of its citizens in the colleges not to have appropriate coordination and accountability. A proposal to clarify current statutes has been prepared and agreed upon by the colleges. We believe that this should be the starting point for any change in governance.

Attachments: Proposed Statutory Changes

NORTHERN WYOMING COMMUNITY COLLEGE DISTRICT
SHERIDAN ◢ GILLETTE

October 21, 1998

Mr. Dave Nelson
Wyoming State Legislature
Legislative Service Office
213 State Capitol
Cheyenne, Wyoming 82002

Dear Dave:

Thank you for the draft legislation (99LSO-0098.W1), "Community College Commission Amendments." You have done a fine job of putting our proposal into the proper form.

In a review by the College presidents, there were a couple of suggestions that I would like to offer. These include:

Page 2, line 17. We would prefer that the word computing be added to "Administrative computing system". Even though the definition implies this, we think it would be clearer to include this in the title. This would also affect **Page 5, line 6**, where computing would have to be added to "administrative computing system."

Page 4, line 8. We wonder if the word "regulations" is needed or can the word "rules" suffice? Under the Administrative Procedures Act, do they have the same meaning?

Page 10, lines 20, 21,22. We ask that you change this to say "Submit reports to the community college commission as required by the legislature under W.S. 21-18-202 (b) (v). This would make the statute consistent with page 5, (v).

You can see that our suggestions are relatively minor, but important to us. If you can make these changes, it will be most appreciated.

Yours truly,

Steve Maier
Chair, Council of Presidents

CC: Presidents
Senator Zimmerman
Representative Hageman

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Attachment p. i

AN EQUAL OPPORTUNITY EMPLOYER

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WORKING DRAFT

HOUSE BILL NO. _____

Community college commission-amendments.

Sponsored by: HDRAFT

A BILL

for

AN ACT relating to community colleges; clarifying Wyoming community college commission authority and responsibilities as specified; defining terms; modifying commission membership; eliminating duplicative commission duties and requirements; modifying limits imposed upon state assistance; clarifying authority and responsibilities of college districts accordingly; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 21-18-102(a)(x), by creating new paragraphs (xii) and (xiii) and by renumbering (xii) as (xiv), 21-18-201(b)(ii), 21-18-202 by creating a new subsection (a) and by renumbering and amending (a)(intro)(ii), (iii), (v), (x) and (xiv), 21-18-204,

21-18-205(b), (c)(i) and by creating a new paragraph (v) and (e), and 21-18-304(a)(iv) and by creating a new paragraph (xi) are amended to read:

21-18-102. Definitions.

(a) As used in this act:

(x) "Vocational-technical programs" means those programs approved by the commission which provide job skills necessary to enter, remain in or advance as a member of the work force and result in degrees~~,~~ or certificates of completion~~; completion of adult basic education (ABE), general education development (GED) or English as a second language (ESL) programs;~~

(xii) "Administrative system" means a computer system used by community college administrators and staff to perform management and reporting functions relating to payroll, accounting, student registration, student financial aid, institutional research and other similar responsibilities and activities;

(xiii) "Block grant" means general state aid appropriated by the legislature to the commission for

distribution to colleges in accordance with the formula established under W.S. 21-18-202(b)(xiv) for general operation and maintenance expenditures, excluding any amounts specified otherwise by law;

~~(xiii)~~ (xiv) "This act" means W.S. 21-18-101 through 21-18-317.

21-18-201. Community college commission; created; composition; removal.

(b) The commission consists of seven (7) appointed members:

(ii) Unless it is impossible due to rotation of appointments among counties and existing appointees, no ~~more~~ less than three (3) nor more than four (4) appointed members shall be from ~~counties in which~~ a county located within a community college ~~is located~~ district;

21-18-202. Powers and duties of the commission; limitation.

(a) Powers and duties of the commission shall be limited to those powers and duties specifically granted by

this section and otherwise by law. Any other authority, responsibility or activity relating to community colleges shall reside with the board of trustees of the appropriate community college district.

~~(a)~~ (b) The commission shall:

(ii) Promulgate and adopt rules and regulations ~~which will ensure the operation and maintenance of the community college system in a coordinated, efficient and effective manner~~ necessary to carry out this act and which ~~will set forth all~~ establish standards ~~which will~~ to be used to review an application to establish a new community college district or used to review the necessity for existing ~~programs or college~~ districts;

(iii) Review and approve or disapprove new academic and new vocational-technical programs based on the relationship to student demand ~~and need and conduct periodic reviews of existing programs. In addition the commission shall provide for termination of academic and vocational-technical programs based on commission findings of~~ or the avoidance of excessive duplication.~~, lack of cost effectiveness, change in demand, or that the like exist sufficient to warrant termination.~~ The commission shall

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also ~~review the process of accreditation by industry and professional groups~~ receive from colleges final accreditation reports issued by accrediting organizations;

(v) Establish and ~~implement~~ maintain an effective ~~management information~~ administrative system at the colleges which will provide composite data about the community colleges and assure that special analyses and studies of the colleges are conducted~~,~~ as ~~necessary, to provide accurate and cost-effective information about the colleges and the community college system as a whole, including an analysis of administrative~~ required by the legislature. These special analyses and studies shall be conducted using the following performance measures:

(A) Student goal attainment;

(B) Student persistence as measured from fall semester to fall semester;

(C) Degree completion rates;

(D) Placement rate of graduates in workforce;

(E) Employer assessments of graduates;

(F) Number of students transferring;

(G) Student performance following transfer including success in subsequent related course work;

(H) Demonstration of critical literacy skills;

(J) Client assessment of programs and services;

(K) Responsiveness to community needs;

(M) Rates of successful completion of professional licensure examination requirements;

(N) Faculty work load;

(O) Costs per full-time equivalency at each college and an analysis of space utilization at each college; and

(P) Any other measures required by the legislature.

(x) Coordinate and approve academic and vocational-technical programs offered by any community college in ~~areas not part of an existing~~ the service area of another community college district;

(xiv) On or before ~~January 2, 1991~~ April 15, 1999, establish by rule and regulation a formula for distribution of ~~state assistance~~ block grants to community colleges which is approved by a majority of commission members and which provides that no ~~institution~~ community college district solely as a consequence of ~~its~~ formula implementation, shall have its total budget reduced by more than two percent (2%) in any fiscal year from the preceding approved total unrestricted operating budget;

21-18-204. Commission and districts subject to Uniform Municipal Fiscal Procedures Act.

The commission and ~~several~~ the community college districts are subject to the provisions of the Uniform Municipal Fiscal Procedures Act. Audits for each community college required by W.S. 16-4-121 shall be performed by independent

auditors selected by the college. The audits shall be conducted in accordance with guidelines set forth in W.S. 9-1-507. ~~The independent auditors shall report to the college board of trustees and the commission.~~In accordance with W.S. 16-4-122, each college shall submit audit findings to the commission.

21-18-205. Appropriation and distribution of state funds; restrictions; budget authority.

(b) Biennial budget authority for community colleges utilizing state appropriations shall be established by the community college commission based upon determinations made by the legislature, revenue estimates submitted by the colleges excluding revenues distributed to colleges under W.S. 21-18-311(g)(i) and excluding any revenues collected under W.S. 21-18-303(b) and 21-20-110(h). Amendments to the budget authority shall be considered by the commission upon application by the college, and the commission shall approve or deny the proposed amendment. If tuition and fee revenues increase during any biennial budget period because of enrollment or rate increases, the budget authority of any college for that period shall be allowed to increase by the same amount as the increase in tuition and fee revenues. State assistance to that college shall not be reduced by the

commission because of tuition and fee revenue increases. Community colleges without the benefit of state funding may establish their initial budget authority through procedures provided under W.S. 16-4-101 through 16-4-124.

(c) State funding for the assistance of community colleges shall be appropriated to the community college commission unless otherwise specified by law. Funds appropriated for each biennium shall be distributed as follows:

(i) Distribution shall be made by the commission to community colleges ~~at times and~~ in amounts ~~to be determined by the commission~~ computed pursuant to the formula established under W.S. 21-18-202(b)(xiv) and at times prescribed by commission rule and regulation, based upon the amount determined to be necessary to maintain services ~~for~~ at the ~~particular college~~ colleges;

(v) Unless otherwise prohibited by law, block grant funding may be used by colleges to support any commission approved facility or auxiliary operation.

(e) A community college shall obtain approval from the commission before initiating any capital construction

project ~~that~~ which adds square footage, is in excess of fifty thousand dollars ($50,000.00) and is not necessary maintenance or repair. No state funds shall be used for the maintaining, operating or equipping of any capital construction project in excess of three hundred fifty thousand dollars ($350,000.00) which was not approved by the commission and authorized by the legislature. Excluding any indirect costs involved in a project which are funded by state funds, commission approval and legislative authorization is not required for any capital construction project if state funds are not used to acquire, construct, operate, equip, maintain or repair the project and the programs and services to be provided within the completed project are otherwise approved by the commission.

21-18-304. District board generally; duties.

(a) The community college district board shall:

(iv) Submit ~~such~~ reports ~~as~~ to the community college commission ~~may require~~ and ~~th~~e legislature ~~as required~~ under W.S. 21-18-202(b)(v);

(xi) Carry out other necessary duties and responsibilities related to operation of the college system

which are not specifically by law delegated to the commission.

Section 2. W.S. 21-18-104 is renumbered as W.S. 21-17-116.

Section 3. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(END)

Northwest College
POWELL, WYOMING

Memorandum

PRESIDENT'S OFFICE

TO: ***Management Audit Committee***
Senator Jim Twiford, Chairman
Representative Eli Bebout, Vice Chairman
Senator Hank Coe
Senator Keith Goodenough
Senator April Brimmer Kunz
Senator Mike Massie
Representative Deborah Fleming
Representative Randall Luthi
Representative Wayne Reese
Representative Colin Simpson
Representative Bill Stafford

FROM: Frances M. Feinerman, Northwest College President *Frances Feinerman*

DATE: April 29, 1999

RE: Report on Community College Governance, May 1999

We at Northwest College would like to thank you for using the program evaluation process to clarify governance issues in the community college system. We believe the most significant achievement of the report is its demonstration that ambiguity about roles is the source of tension in the system. Only the legislature can resolve this ambiguity. We ask that you take up this challenge.

We'd also like to commend the program evaluation staff of the Legislative Service Office. They undertook a prodigious task of new learning. They have been hardworking, courteous, objective and thoughtful. Likewise, we applaud the program evaluation manager's approach to this study. The topics chosen are those in which state and local interests could differ. The conclusion of each topic with a summary of the policy issues leaves no doubt where authority rests.

The staff should also be congratulated for its restraint. They describe a number of higher education governance models, noting both strengths and weaknesses, but they resist the temptation to suggest which model is right for Wyoming.

We do have one suggestion about methodology. The report cites "scholars" and "experts" and refers to "literature in higher education," but only once is a particular author cited.[1] We understand that confidentiality is essential within Wyoming and our community college system. However, scholars and experts do disagree and it would be helpful to be able to know the context and the evidence for their assertions.

[1] Seeking Excellence through Independence: Liberating Colleges and Universities from Excessive Regulation, Terrence J. MacTaggart & Associates, 1998

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The fundamental issues for us are: What are the ways strong local governance can strengthen systemwide effectiveness and efficiency? How can strong local governance, with its responsiveness to service area needs, also be responsive to statewide needs? Our comments on the report address these issues. We have organized them by chapter of the report, for your convenience.

FMF/dls
Encl.

CHAPTER 1: BACKGROUND AND OVERVIEW

College Programs: ***(Issue: accountability, pg 5)***

All Wyoming community colleges must be accredited by the North Central Association. If we were not accredited by NCA, no student could receive federal financial aid while attending and we would not receive state funding. Few outside the colleges understand the continuous, rigorous, comprehensive requirements of that accreditation. The United States is unique in successfully avoiding centralized and standardized overall audits of colleges. This review goes beyond a look at academic programs. Everything from mission to funding, from programs to physical plant must be viewed as a whole, examined closely and strengthened. Performance measures are expected and are often stated in terms of student learning outcomes. Some occupational programs have independent, even more rigorous standards imposed by specialized industry and professional associations. All Wyoming community colleges have received the highest vote of confidence: a ten-year hiatus between reaccreditation visits.

Funding and Distribution: **(Issue: Who pays and to whom need the colleges be accountable? pg 7)**

While dollars from the state to the colleges have increased, the state funding per student has not. Although local contributions have remained stable, the proportion of our budgets that comes directly from students has increased, through state-mandated tuition increases. (ATTACHMENT A)

CHAPTER 2: TENSION IN SYSTEM GOVERNANCE

Recent Commission Votes Have Aligned with its Statutory Authorities **(Issue: does the present interpretation of statutory authority run smoothly? pg 16)**

This section is puzzling. If Commission actions have "nearly always reflected college requests," the tension that led to this governance study is hard to understand. In fact, there recently has been some difficulty in reaching consensus in decision areas–rules revisions, administering funding, data access, etc. In fact, the Commission staff recently moved away from the consultation process.

In terms of facilities actions, NWC experienced something very different from smooth and quick support in gaining approval for the acquisition of Trapper Village West. Acquisition of this housing complex from the U.S. Air Force for the nominal sum of one dollar had prior approval at all levels, including the Commission's awareness. Yet the process of retroactive and formal approval dragged on for years. Given that this is almost entirely an auxiliary operation (save for two offices and a classroom), and therefore supported by student fees, this was frustrating to NWC Trustees and administrators.

The Impasse Over Rules Undermines Efforts to Coordinate Community College Services **(Issue: Has coordination work stopped because of the delay in *Rules* revision? pg 18)**

Rules revisions do continue. However, Trustees and Commissioners mutually agreed to defer revision of controversial *Rules* revisions.

Trustees and Presidents also decided not to submit their proposed statute revisions, pending completion of the Governance Study. Please note that these proposed revisions would put core performance indicators directly in statute. These are national performance measures developed by the American Association of Community Colleges. Other measures would be provided as requested by the legislature. (See proposed statute revisions, ATTACHMENT B)

Please also note that the Presidents and Trustees welcome coordination. We favor more than a unified presentation of budgets. Issues of technological change, of distance delivery, of formula development, of articulation with other colleges and universities–as well as issues of program duplication–do require coordination. None of us would argue against statewide coordination.

CHAPTER 3: COMMUNITY COLLEGE SYSTEM GOVERNANCE

One Size Does Not Fit All **(pg 23)**

We agree that the mission given the community colleges by the legislature in 1991 should be revisited. Certainly, the governance structure should reflect the state's policy environment. We point out that Wyoming institution, history and culture emphasizes local decision-making. Wyoming citizens have been skeptical of bureaucracy, central authority and excessive rule-making. Governance of the K-12 system and of the University of Wyoming reflect this bias. The statutes reflect this by granting locally-elected boards fiduciary powers and by requiring local tax support.

Based on Defined Needs, the Legislature Can Determine What the Governance Structure Should Accomplish **(pg 24)**

Very true, but in considering the models presented in this chapter, please distinguish between those systems with locally-funded colleges and those without. This is a vital distinction.

Does the Sum of College Needs Equal State Needs? **(pg 32)**

Wyoming mandates community college access for students outside of the seven specially taxed counties. We all conduct outreach education and we charge the same tuition to all Wyoming residents. State needs include literacy, workforce development, and continuing education, all of which must be provided conveniently i.e., locally. We see no contradiction between the needs of service districts and the needs of "the state." Collectively, our service areas cover every Wyoming county.

Furthermore, cooperation among the colleges has developed naturally from commitment to our local districts. When the local college cannot supply a program need or training need, Presidents typically call upon one another for assistance. The recent Training Compact, initiated by the colleges, is a formal and recent example of this activity.

CHAPTER 4: COMMUNITY COLLEGE FUNDING (pg 36)

A concern expressed is that the way in which the colleges are funded supports local control. That is true, but is a benefit, not a problem. Wyoming residents pay the same tuition whether they live in a specially taxed district or not. We can think of the state appropriation–that part that does not derive from the taxed counties' extra mills, as support for our state mandate to provide access to all Wyoming residents regardless of residence. (Some states charge differential tuition in and out of county; the Wyoming AG found this impermissible.)

Local boards do exercise fiduciary authority. The seven college counties extend themselves beyond the 5-mill commitment. Park County residents are paying for a bond issue for a math and science building and major remodel for NWC and they will continue to pay until 2002. (That is why the suggestion that they could raise more mills if they chose is unrealistic.) **(pg 38-39)**

Since the courts are settling the funding lawsuit, interpretation in this report may be inappropriate. Our perspective is that the law requires the Commission to distribute funds according to the agreed-upon formula.

The report suggests that the funding formula is a disincentive to "pursue innovative management alternatives" **(pg 43)**. Colleges everywhere are becoming entrepreneurial. However, public institutions are prohibited from competing with the private sector.

CHAPTER 5: PROGRAM APPROVAL, REVIEW AND TERMINATION (pg 45)

The concern seems to be either that programs will not be adequately managed without strong planning direction from the state, or that they even if they are well-managed, they will not be managed from a statewide perspective. On the contrary, the block grant approach to funding is the best incentive for local boards to ensure that program approval, review and termination are taken seriously. Some states provide "quick-start" funds for new programs; Wyoming does not. A major market study showed where Northwest College needed program development. To serve those needs, we chose to eliminate three inefficient programs.

Colleges do consider other colleges' programs when they approve, review and terminate programs. One rationale for deleting our Theatre programs was the existence of better-equipped Theatre programs in some of the other colleges. The guidelines for presenting new programs for Commission approval require colleges to solicit comments from any other Wyoming community college that has a similar program. New occupational programs must be presented with documentation of jobs available in the region and the state and with entry-level salaries. **(pg 46-47)**

Colleges also consider statewide priorities. Our service areas exist within a state context. All of the colleges considered it necessary to establish strong ties with the Wyoming Business Council. NWC will be directing funds to support a new position in workforce training, consistent with both service area and state need. **(pg 48)**

We'd like to point out that Appendix G on program termination is inaccurate. NWC terminated three programs in the period covered by the chart: Radiologic Technology, Agricultural Technology and Computer Science. (The footnote, indicating three more program terminations this spring, is correct.)

CHAPTER 6: MANAGEMENT INFORMATION SYSTEM

A concern exists that data is not being reported, or that it is not reported in a timely manner, or that the data reported may not allow the legislature to compare the colleges. **(pg 58)**

In fact, data was transmitted electronically to Commission staff until they asked for "unfettered access" with "read and write" capability. This would have been illegal according to federal regulations; Department of Education confirmed federal FERPA regulations in this regard.

The Commission staff recently agreed to a data template developed by college staff (and proposed a year earlier.) Use of this template will enable us to provide data while complying with federal regulations. The template will also ensure that studies will be well designed. This should reduce staff time and frustration. **(pg 60)** (SEE ATTACHMENT C)

Please do not assume that the colleges stopped reporting data until the template was designed and accepted. We have reported to the Commission continuously, as we have reported to various federal agencies. The Commission staff has utilized data reported by us directly to them and has utilized our reports sent through them to federal agencies. There has been a continuous series of studies that compare the colleges in any number of respects: concurrent enrollment; staffing; student access and enrollment, to name a few. (SEE ATTACHMENT D)

We suggest that focussing on the nationally recognized outcome measures as specified in our proposed statute revisions would provide the legislature with clear, consistent, relevant information about performance of the colleges. (The American Association of Community Colleges developed these outcome measures as the most useful performance indicators for community colleges.)

Oddly, despite the flow of data sent, Commissioners and Trustees are not sure that they have the data they need **(page 66).** Our explanation for this puzzle is that data and information are not the same. We have an overabundance of data, but not enough information.

Let me explain. At NWC, a couple of the studies that have been produced by the WCCC have been criticized because of inaccurate data or problematic conclusions. A recent Commission study of staffing concluded that NWC had only two part-time faculty and relied almost totally on full-time faculty. The study drew from IPEDS reports that all of us send regularly to the federal government. There are over 3,000 colleges in the United States and the definitions IPEDS uses must be flexible. The Presidents noticed that some of our definitions were not precisely the same and determined to bring the definitions together next time so that more accurate comparisons could be made. We also decided, in the interests of staff time, not to demand that old reports be redone. Although the inconsistencies were reported to Commission staff, they drew erroneous conclusions that could easily have been avoided. WCCC staff asserted in the staffing report that NWC relied virtually entirely on full-time faculty, quite unlike the other colleges. In fact, NWC hired 72 part-time faculty in 1997. Readers of the published report might easily conclude that NWC was inefficient and inflexible in its staffing, since part-time faculty are hired by the course and are paid at a much lower rate than half-time faculty. Mistakes are inevitable in data collection; but they can be remedied with good communication. **(pg 66)**

(Please note that Appendix H, Vocational-Technical Programs Offered by Colleges, omits our AAS degrees in Business Management, Graphic Design and Photography, as well as some of our vocational certificates.)

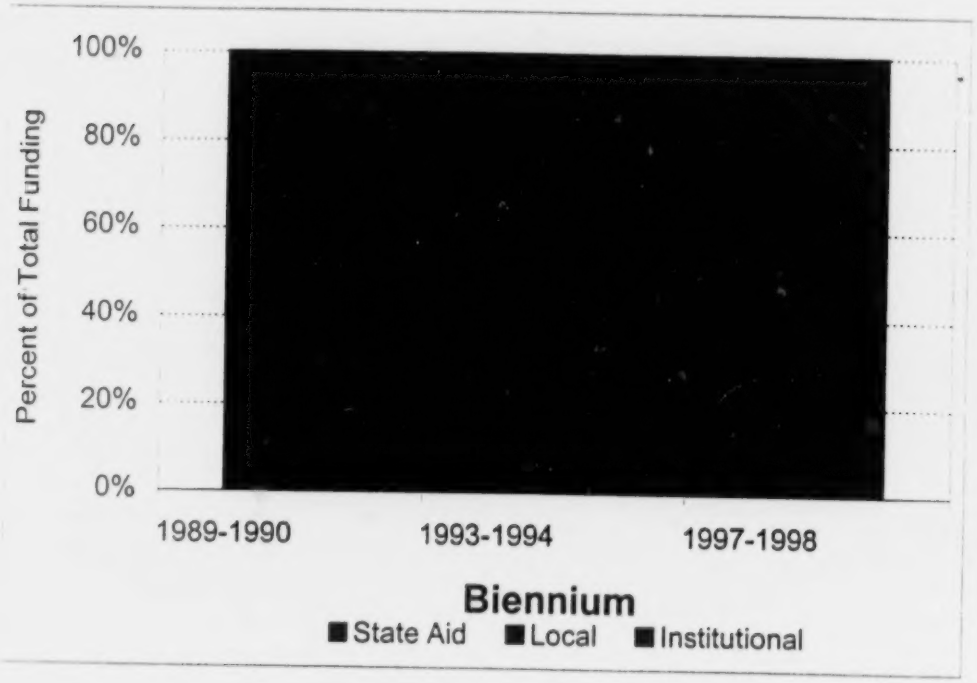
CHAPTER 7: DECISIONS

All of the community colleges support statewide coordination. We see many opportunities for coordination to play a positive and necessary role, particularly as higher education becomes less geographically bound, more enhanced by technology, more competitive. However, in terms of governance rather than coordination, we concur that that the issue is the degree and nature of state vs. local control. We also hope that the legislature clarifies its expectations in this regard. We welcome the opportunity to reopen this dialogue and we are hopeful that the depth and breadth of the report you've read will help you address these vital issues. Thank you!

ATTACHMENT A

Wyoming Community College System
Budget Authority
1989-1990 Biennium through 1999-2000 Biennium
Percent of Total Budget Authority

Biennium	State Aid	Local	Institutional	Total
1989-1990	70.77%	17.32%	11.91%	100.00%
1991-1992	70.57%	16.32%	13.11%	100.00%
1993-1994	67.54%	18.06%	14.41%	100.01%
1995-1996	67.89%	17.24%	14.87%	100.00%
1997-1998	66.52%	16.42%	17.06%	100.00%
1999-2000	62.80%	17.80%	19.40%	100.00%



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ATTACHMENT B

Proposed Changes to Statute — Draft 10
August 2, 1998
Key: underline = add; ~~strike~~ = delete

21-18-102. Definitions

21-18-102 (a) "Administrative computing" means computing used by administrators and staff at the colleges to carry out management and reporting functions relating to such areas as payroll, accounting, student registration, student financial aid, and institutional research.

Reason: Administrative computing responsibilities were transferred by the legislature to the commission from a consortium, consisting of the University and colleges, along with an appropriation. The appropriation to the commission for the operation of administrative computing continues. It provides for common data and service to students, along with management support.

21-18-102 (a) "Block Grant" means non-footnoted general state aid appropriated by the legislature to the commission for distribution through the approved distribution formula to the colleges for general operation and maintenance as determined by the colleges.

Reason: Strengthens commitment to local board control and provides definition for a commonly used term within the community colleges and university.

21-18-102 (a)(x) "Vocational-technical programs" means those programs approved by the commission which provide job skills necessary to enter, remain in or advance as a member of the work force and result in degrees, or certificates of completion~~, completion of adult basic education (ABE), general education development (GED), or English as a second language programs.~~

Reason: Vocational technical programs are prescribed courses leading to specific degrees or certificates that require commission approval. ABE, GED, and ESL courses are adult education courses intended more for general improvement and adult literacy than for job training, and do not require commission approval.

~~21-18-104 Small business development centers~~

Reason: No longer relevant as they were transferred to the University.

21-18-201. *Community college commission; created; composition; removal*

21-18-201 (b) (ii) Unless it is impossible due to rotation of appointments among counties and existing appointees, no fewer than ~~no more than~~ three (3) and no more than four (4) appointed members shall be from community college districts. ~~counties in which a community college is located~~.

Reason: This would ensure a reasonable degree of representation from college districts that assess local levies for support of the colleges. Also, community colleges are now "located", through outreach centers, in all counties.

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21-18-202. *Powers and duties of the commission*

21-18-202 (a) (ii) Promulgate and adopt rules ~~and regulations~~ which are required to carry out this act ~~will ensure the operation and maintenance of the community colleges system in a coordinated, effective and effective manner~~ and which will set forth all standards which will be used to review an application to establish a new community college district or used to review the necessity for existing ~~programs or~~ college districts.

Reason: This should spell out the Commission's responsibility to promulgate rules by which to carry out its responsibilities. Efficiency and effectiveness are Trustee roles, based on local needs, institutional mission and goals. Likewise program review is a local issue under block grant funding.

21-18-202 (a)(iii) Review and approve or disapprove new academic and new vocational-technical programs based on relationship to student demand or excessive duplication. ~~and need and conduct periodic reviews of existing programs. In addition the commission shall provide for termination of academic and vocational-technical programs based on commission findings of excessive duplication, lack of cost effectiveness, change in demand, or that the like exist sufficient to warrant termination~~. The commission shall also receive from colleges the final reports from accrediting organizations. ~~review the process of accreditation by industry and professional groups.~~

Reason: Program and institutional review are duplicative of what the colleges and various accrediting bodies already do. In addition, since the block grant is under local board control, boards determine whether or not programs at their colleges should continue to be funded. Hence, program termination is a local board decision.

21-18-202 (a) (v) Establish and ~~implement~~ maintain effective administrative computing at the colleges which will ~~management information system which will~~ provide composite data about the community colleges and assure that special analyses and studies of the colleges are conducted as required by the legislature~~, necessary to provide accurate and cost effective information about the colleges and the community college system a whole~~. These special analyses and studies will be conducted using the following performance measures: student goal attainment; persistence (fall to fall); degree completion rates; placement rate of graduates in the workforce; employer assessment of graduates; number and rate who transfer; performance after transfer including success in subsequent related course work; demonstration of critical literacy skills; client assessment of programs and services; responsiveness to community needs; pass rates on professional licensure exams; faculty work load; ~~including an analysis of administrative~~ costs per full time equivalency at each college and an analysis of space utilization at each college and other performance measures as the legislature may require;

Reason: Since the colleges are managed (governed) by the elected Trustees, management information is a college responsibility. The Commission should collect composite data and only provide studies that are requested by the legislature. The performance measures listed were developed by the American Association of Community Colleges as national standards and are used by several other states as the basis for performance measurement.

21-18-202 (a) (x) Coordinate and approve academic and vocational-technical programs offered by any community college in another community college service area. ~~areas not part of an existing community college district.~~

Reason: Colleges now provide courses and programs to their service areas as part of their ongoing operations. Offerings in another college's service area may need coordination and approval.

21-18-202 (a)(xiv) On or before ~~January 2, 1991~~ April 15, 1999, establish in commission rules a formula for distribution of block grant funds ~~state assistance~~ to community colleges which is approved by a majority of commission members and which provides that no ~~institution~~ college solely as a consequence of the formula's biennial ~~its~~ implementation, shall have its total budget reduced by more that two percent (2%) in any fiscal year from the preceding approved total unrestricted operating fund budget.

Reason: This would require the commission to adopt the distribution formula in rules.

21-18-202 (a)(xviii) The commission shall exercise only those powers and duties specifically granted to it in statute. Any other powers and duties relating to the community colleges that are not otherwise provided for in statute shall reside with the college district governing boards.

Reason: The elected Boards represent the "owners" of the colleges and must have a wide range of authority by which to manage. The appointed commission must have clear but limited powers.

21-18-204. Commission and districts subject to Uniform Municipal Fiscal Procedures Act.

The commission and several community college districts are subject to the provisions of the Uniform Municipal Procedures Act [16-04-101 through 16-4-124]. Audits for each community college required by W.S. 16-4-121 shall be performed by independent auditors selected by the college. The audits shall be conducted in accordance with guidelines set forth in W.S. 9-1-507. ~~The independent auditors shall report to the college board of trustees and the commission.~~ The college districts shall submit the audit findings of the independent audits to the commission.

Reason: The auditors shall report to the Board that employs them. The college, then, reports audit findings to the commission.

21-18-205. Appropriation and distribution of state funds; restrictions; budget authority.

21-18-205(b) Biennial budget authority for community colleges utilizing state appropriations shall be established by the community college commission based upon determinations made by the legislature, revenue estimates submitted by the colleges excluding revenue distributed to colleges under W.S. 21-18-311 (g)(I) and excluding any revenues collected under W.S. 21-18-303(b) and 21-20-110(h). Amendments to the budget authority shall be considered by the commission upon application by the college, and the commission's decision is final. State assistance to community colleges shall not be reduced when tuition and fee revenues increase due to enrollment and/or rate increases. Community colleges without the benefit of state funding may establish their initial budget authority through procedures provided under W.S. 16-4-101 through 16-4-124.

Reason: The Governor has suggested that he may further review the commission's decision and implement the B11 process. Increases in budget authority will either come from the legislature or from locally generated revenue, and should be allowed to benefit the colleges. Colleges should not be penalized for increasing tuition.

21-18-205(c) (i) Distribution shall be made by the commission to community colleges ~~at times and~~ in amounts to be determined by the ~~commission~~ approved distribution formula and at times set forth in commission rules based upon the amount determined to be necessary to maintain services for the ~~particular~~ colleges.

Reason: Distribution of state aid should only be made through the formula as determined in rules.

21-18-205 (e) A community college shall obtain approval from the Commission before initiating any capital construction project in excess of $50,000 that is not necessary maintenance or repair, and does not add square footage. No state funds shall be used for the maintaining, operating, or equipping of any capital construction project in excess of three hundred fifty thousand dollars ($350,000) which was not approved by the commission and authorized by the legislature. A college may complete a capital construction project without commission and legislative approval if no state funds are used to acquire, construct, operate, equip, maintain, or repair the project.

Reason: The colleges should not have to go through an approval process to remodel or add space that cost less than $50,000 and does not add square footage. If a college needs to complete a capital construction project and is willing to fund it entirely, the college should have that opportunity.

21-18-205(f) State funds provided to the community colleges through the block grant may be used at the discretion of the local college board of trustees to support any commission approved facility, or to support auxiliary operations, unless otherwise prohibited by law.

Reason: This allows the local college to use the block grant as it chooses, including for auxiliary operations and facilities. Revenue bonded facilities are limited in the use of block grant funds.

21-18-304 District board generally; duties.

(a) The community college district board shall:

(iii) Report annually the revenue and expenses of the community college district in accordance with the rules ~~and regulations~~ of the community college commission.

Reason: Rules are the basis for Commission action under the law.

21-18-304 (a) (iv) Submit such reports as required under 21-18-202 (a)(v). ~~the community college commission may require. —~~

Reason: This will help alleviate burdensome and ad hoc report requests.

21-18-304. District board generally; duties

21-18-304 (a)(xi) Exercise all powers and duties related to community colleges which are not otherwise delegated by statute to the commission.

ATTACHMENT C

Central Wyoming College

2660 PECK AVE.
RIVERTON, WYOMING 82501
307-855-2000

Office of the President

March 1, 1999

Tom Henry, Executive Director
Wyoming Community College Commission
2020 Carey Avenue, 8th Floor
Cheyenne, WY 82002

Dear Tom:

I have been asked, on behalf of the Presidents Council, to forward to you a "data request template" which has been developed by our institutional research officers, in consultation with the presidents. The purpose of the "data request template" is to identify the specifics of data requested and to supply information relating to FERPA requirements. Our hope is that WCCC adoption and use of this form will speed up the process so that colleges will be able to provide data to the College Commission and other governmental agencies with a minimum of delay. CWC's IR person, Dr. Chestine Kurth, has agreed to work with Steve Butler and the other college IRs to develop an electronic template that can be used for data requests. Another option would be to use the template as a Word document that can be printed and used for mailing or faxing.

We hope that you will accept the template and/or forward it to the Commission for approval (if necessary), so that we can begin using it right away to avoid further delay in responding to requests for data. Perhaps you can let us know of your decision at the March 5 Executive Council meeting. Thanks for your patience in this matter.

Sincerely,

Jo Anne McFarland, Ph. D.
President of the College
On behalf of
Presidents Council

Enclosure
cc: College presidents
IR officers
Steve Butler

02/17/99

WYOMING COMMUNITY COLLEGE
DATA REQUEST

All requests for data from the community colleges should be directed to the college presidents.

Date of Request:

To: College Presidents: (List)

Institutions: (Check institutions)

- ☐ Casper College
- ☐ Central Wyoming College
- ☐ Eastern Wyoming College
- ☐ Laramie County Community College
- ☐ Northern Wyoming Comm. Col. Dist.
- ☐ Northwest College
- ☐ Western Wyoming Comm. College

cc: Institutional Research Office at each college

From:

_____ Agency Head/Director

_____ Requesting Agency

Name of Study:

Submission Due Date:

A clearly defined problem must exist prior to any data request. If the objective or request from an outside entity is vague, the requesting staff should work with the college Institutional Research staff to further define the objective and data needed before the request is made.

1. Describe study or report to be written in detail (if for strategic indicators, specify which ones; if a special study, identify which one; etc.):

2. Explain how data relates to the purpose of the study. In order to avoid inconsistent data submission, the exact Colleague file and data fields must be listed (include data fields, definitions of terms, etc." attach list if lengthy) . If you need assistance with identification of exact Colleague files and data fields, please feel free to contact the Institutional Research Office at one of the colleges for assistance:

3. Specific purpose for data in detail:

4. Reference the Statutory Authority for seeking data:

5. Provide electronic template in the format being requested such as an Excel file or other "common" software program. Template must include data field name with definitions and coding specifications and a sample data submission form:

6. Specify how data is to be transmitted (electronic, hard copy, etc.)-.

7. Specify how confidential or personally identifiable data will be treated:

8. Will personally identifiable data be disclosed to any other party than the requesting agency of this data request?

☐ No

☐ Yes; if yes, student releases must be obtained by the requesting agency as per FERPA, Section 99.33 which states, "An educational agency or institution may disclose personally identifiable information from an education record only on the condition that the party to whom the information is disclosed will not disclose the information to any other party without the prior consent of the parent or eligible student"

9. Specify when personally identifiable data will be destroyed (data must be destroyed in compliance with FERPA requirements):

10. Describe in what form data will be disseminated (aggregate, individual, etc.):

11. Describe to whom the report or study will be disseminated:

12. Requested timeline for verification of data by colleges (if timeline is not adequate, college president will not sign):

Requesting Agency Head/Director Date

Requesting Agency Signature denotes President's responsibility for handling data in compliance with FERPA and all state and federal requirements.

College President Date

No data will be released without College signature.

ATTACHMENT D

College Reports Provided to the Commission

Biennially

Biennium Budget
Requests for Budget Authority Increases—Biennium Budget

At least annually

Enrollment (audited)
Budget (audited)
Outreach enrollment and funding
Physical facilities
IPEDS (Annual Finance Survey, et. al.)
WUE
Developmental studies
Concurrent enrollment
Program review
College staffing: Staffing Reports as to years of service, faculty ranking, degrees, etc.
Audited Annual Financial Statements
Annual Budget
Annual Budget w/previous year's estimated column updated to Audited Annual Financial Statements
Local Revenue Projection—Biennial Update
Requests for Budget Authority Increases—Annual Budget
Staff Salary Studies
Graduate Survey Results—FA97 for WCCC

Quarterly

Revenue and Expenditure Reports

Periodically

North Central Self-study, report, and institutional response
Chart of Accounts

Special Studies Scheduled

Concurrent enrollment
System staffing
Program duplication
Comparative costs
Tuition and fees
BOCES
Student access

Student financial aid
Student retention/success/placement
Institutional/program accreditation
Economic Impact
Alternative delivery courses

Strategic Indicators

Short-range
AACC Core Indicators

Long-range

Revenue (6)
Expenditures (5)
Facilities (5)
Media and technology (7)
Human resources, student (21)
Human resources, employee (16)
Program (8)

April 28, 1999

The Honorable Jim Twiford, Chairman
Management Audit Committee
Wyoming State Legislature
State Capitol Building 213
Cheyenne, Wyoming 82002

Dear Senator Twiford:

This is the Western Wyoming Community College response to the Management Audit Committee's Report on Community College Governance. However, before providing specific responses, I would like to commend the Management Audit Committee staff for its professional research. Ms. Rogers and her staff successfully gathered and analyzed an enormous amount of data on an unfamiliar topic in a short period of time. While we have some concerns about the document, our concerns are related to a lack of breadth and depth of knowledge about some of the issues. Such knowledge can be gained only through long term, participative exposure to those issues, and the Management Audit Committee staff did not have that luxury. However, the staff was professional, competent and unbiased and we at Western have enjoyed working with them.

The following responses reflect the position of Western Wyoming Community College:

Chapter 1: Background and Overview

Page 12, first paragraph: The last sentence in this paragraph may be misleading. In March, the Commission staff presented to the Commission a report entitled Study of Citizen Access to Wyoming Community College Education dated March 4, 1999. In that report, the Commission staff projected stable enrollment through the year 2006. In fact, projections for 2006 show a slight enrollment increase at every college and an overall enrollment increase for all colleges of approximately five percent.

Page 13, first full paragraph: Western disagrees with the executive director's statement. We believe the salary lawsuit is a test of whether the Commission complied with Wyoming Law and Commission Rules. The court will decide on or before August 2, 1999.

Page 13, second full paragraph, last sentence: Regarding the issue of whether or not state funds can be used for the maintenance of auxiliary enterprises facilities: There should be no disagreement at all on this item. There is a 1996 AG opinion which clearly states that state funds can be used for this purpose.

2500 College Drive · P.O. Box 428 · Rock Springs, Wyoming 82902-0428 · Phone (307) 382-1600 · Fax (307) 382-7665
An Equal Opportunity / Affirmative Action Employer

Chapter 2: Tension in State Community College System Governance

Page 18, first paragraph: Western believes that the Commission is ignoring the Administrative Procedures Act by not properly promulgating rules. The Commission is developing "policies" which they claim they can change with complying with the requirements of the A.P.A. We believe many of the "policies" are actually rules.

Chapter 3: Community College System Governance

Page 28, second paragraph: The last sentence in this paragraph stems from the fact that the Commission staff has been unwilling to comply with the Family Education Privacy Rights Act. A thorough explanation of this issue is presented in our discussion of Chapter 6 later in this document.

Chapter 4: Community College Funding

Page 39, entire page: On this page, there is a discussion of the "additional mills" which is somewhat misleading, and, in part, factually incorrect. The report attempts to combine the optional one mill levy (approved by the Board of Trustees) authorized by WS 21-18-303, and the five additional mills (subject to voter approval) allowed by WS 21-18-311. The reader is led to believe that both of these optional mill levies were created with the legislative intent of "shifting some of the state costs for community colleges back to the districts." The attempt to combine discussion of the two levies distorts the facts.

First, let's look at the one mill levy approved by the Board of Trustees only. This legislation was passed in 1990. (See Chapter 40 of Wyoming Session Laws.) These funds, if authorized, are to be spent by the community colleges for the "regular support and operation of the college." This particular language has never changed. In fact, the only change to this law over the years was a change to clarify the period of time (2 years) the levy could be imposed. It is important that the one mill levy (the 5th mill) not be woven into the same discussion as the additional five mills, which require voter approval. The legislative history is quite different.

Now, let's look at the additional optional mills beyond the fifth mill. The 1989 Legislature created this legislation for the first time. This legislation provided for six optional mills to be voted on by the district voters. All of the money was to stay with the district.

In 1990, the Legislature amended this law. (See Session Laws, Chapters 38 and 40.) Now, five mills were allowed as additional mills to be voted upon by the district voters. However, a disincentive was added to the law: 25% of any revenues raised via the imposition of any of these voter-approved levies were to be given to the commission and a corresponding reduction of state aid would occur. This legislation was doomed from the beginning. Which college district would act to impose an additional tax on its local taxpayers, when automatically 25% of the money would, in effect, be sent to Cheyenne?

In 1993, the Legislature voted to amend this legislation. The report indicates the legislation was changed "five years later." This is not true…it was changed three years after it was created. (See Session Laws, Chapter 95.) The 1993 amendment took out the requirement that 25% of the voter-approved mill levy revenue be used to reduce state aid.

In summary, the language on page 39 attempts to combine the one mill levy and the additional voter-approved levies. This is mis-leading and inaccurate. Moreover, the report gives heavy emphasis to legislative intent…that being of shifting tax burdens to local districts. While there was probably some intent of this nature behind the legislation, the legislation did not have

the intended results and the disincentive to seek voter-approved mills was removed by the Legislature.

Page 41, next to last paragraph: The last sentence in this paragraph should be stricken. Given the huge backlog of deferred maintenance cited by the report and the limited resources available for emergency repair and maintenance, it is obvious that the colleges are needy.

Page 43, first paragraph: This discussion about formula is likely irrelevant due to the fact that the Commission has stated that it intends to adopt a new formula in June, 1999.

Chapter 5: Program Approval, Review, and Termination

Pages 45-53: The central issue of this chapter is the discussion of "unnecessary" or "excessive" duplication. Some assumptions underlie this issue.

Assumption ONE: If a program is located at only one college, all students can access it, and thus, the Commission's goals of efficiency and effectiveness are met. However, this approach is based on the faulty assumption that students can either physically move to that college or obtain electronic access:

- Physical Access: This assumes that the only students who need the program are students who are not site bound by family or job, and, therefore, they can move to another community. Although it is difficult to determine how many of Wyoming's students can move, some indicators of mobility are age and the number of students taking courses at outreach sites.
  - In 1998, only 48.5% of 21,600 community college students were under 24 years of age.
  - In FY95, 9427 community college students took credit courses at Outreach Centers.

  Both the large population of older students and the high enrollments at Outreach Centers indicate that providing a program on a single campus would create an access problem for many Wyoming citizens because they are "site bound."

- Electronic Access: This assumes that the community colleges have a system to deliver programs electronically across the state. This is not true. Some colleges have electronic networks that provide instruction within their region, but not across the state. Wyoming Public Television does not provide access to part of the state and the new statewide WEN network does not provide guaranteed access for the community college programs. Therefore, eliminating programs on the assumption that students can electronically access a singular program will reduce access.

- Thus, the issue of <u>systemwide</u> "effectiveness" and "efficiency" is highly debatable in a state that has large distances, lacks an electronic delivery system, and has a high number of non-traditional students who are site bound. A statewide system with programs at single sites may be more efficient but it would create a major problem regarding access. What is the greater issue: efficiency or access?

Assumption TWO: Colleges will not terminate programs; only the Commission with a *systemwide* perspective will make these hard choices. Moreover, the assumption is that only the Commission can make decisions based on efficiency and effectiveness.

- As the LSO report states, "Termination of programs would result in freeing resources for reallocation to other programs." The report assumes that the Commission is needed to accomplish this reallocation.

  However, the reality is that "six colleges had terminated 15 programs" from 1994 to 1998 (p. 49); conversely, the colleges only added 12 new programs during those same years (p. 46).

  Thus, it seems clear that the colleges have been terminating programs to reallocate funds to new programs. The assumption that the Commission is necessary to accomplish this goal is false

- Colleges receive funding in block grants that allow them to prioritize programs and reallocate funds. Thus, when a college determines that there is a need for a new program, it must analyze the efficiency of its present programs, determine which existing program must be terminated or receive reduced funding, and then reallocate funds. Therefore, the assumption that the Commission is needed to make these hard decisions is false. The colleges regularly have made these decisions.

- A related underlying assumption is that only the Commission has a systemwide perspective and it can identify inefficient programs when a local college could not. At times, this may be true. However, as stated by an expert on page 49, "It is best if state governing boards use program review and the potential of termination to *encourage* local boards to exercise their termination authority." Allowing the Commission to study data and provide another perspective with the ultimate authority to request a local board to review the necessity of a specific program is very different than giving the Commission the power to unilaterally mandate termination.

Assumption THREE: Collaboration between colleges would be encouraged if the Commission terminated some duplicated programs (page 53).

- The Commission assumes the solution to collaboration is terminating local programs and forcing students to move to the sole remaining provider's location. However, the colleges' perspective is that they must provide for student needs within their region unless collaboration is possible. If the colleges can *effectively* provide more programs to their students through collaboration, they will. This is demonstrated by the fact that all of the community colleges have pursued agreements with UW and other universities to provide more educational opportunities:
  - UW Extended Education is offering courses at all campuses
  - University of Great Falls is offering distance education opportunities at all campuses.
  - Regis University offers distance education degrees at most community colleges.

Various other universities offer programs at community colleges because the community colleges will collaborate. Therefore, if opportunities to collaborate were available between community colleges, the colleges would pursue them. Forced termination of programs without an alternative delivery system for site bound students is not a solution.

- Another premise is that a governing agency is needed in order for community colleges to collaborate. The examples listed above indicate that this premise is false. Colleges will collaborate and collaboration can be fostered by a coordinating agency.

Assumption Four: There should be a statewide system based on the premise of efficiency.

- The assumption is that there is a statewide system for delivering community college programs across the state. This is not true. Therefore, a basic premise for this argument of efficiency is questionable.

- Moreover, efficiency does not always equate to effectiveness, especially regarding the problem of access in a state of great distances, site-bound students, and no electronic network dedicated to community colleges.

- Furthermore, the assumption that a statewide system will be more efficient is false. The only viable statewide system involves distance education technologies. Multiple studies exist that verify that distance education improves *access*, but it increases costs. Certainly some states, such as Utah, are pursuing distance education; however, the motivation is to reduce the need for construction of facilities-- the primary way distance education can reduce costs. However, all other educational costs of distance delivery are higher than costs of traditional delivery. Costs for initial technology, for upgrading and maintaining that technology every year, for technical staff, for support staff, and for training, all are factors that demonstrate its high costs.

Chapter 6: Management Information System

Pages. 55-66: For over a year, the question of data access has been presented by the Commission staff as an example of the colleges' unwillingness to bow to Commission authority. The Commission Staff has continued with this interpretation even though it became clear as early as June of 1998 that the question of access to student data is a Federal question and must be resolved within the constraints and requirements of Federal law and Federal regulations. The question of data access revolves primarily around the question of the release of personally-identifiable student records. The colleges are the legal custodians of these student records and cannot waive or assign this responsibility.

The requirements concerning the confidentiality of student records are contained within the Family Educational Rights and Privacy Act (FERPA). Violation of this Act by a college threatens the continuation of Federal funding for that college, including the continuation of Title IV Federal financial aid. Title IV aid includes Federal Pell Grants as well as Federal student loans. Approximately 40 percent of the half-time through full-time students within the Wyoming community college system receive Title IV Federal financial aid on an annual basis. Because of

the potential threat to the continuation of Federal funding to the colleges and their students, it is apparent that compliance with FERPA is an important issue for the colleges.

The LSO Report continues to promote the interpretation of the data access question as an unwillingness on the part of the colleges to bow to Commission authority, and presents the question as a matter to be decided by the Legislature. (See page 66, "Issues for Legislative Consideration.") This interpretation is in error. Federal law has primacy over Federal matters, and the opinions of the Wyoming Office of the Attorney General and the Commission Staff are of secondary importance. The question of data access is not going to be resolved by Legislative action unless such action is taken within the constraints imposed by Federal law.

The LSO Report further suggests that this disagreement remains unresolved. In fact, a resolution of the data access question has already occurred. This resolution meets both the needs of the colleges for compliance with Federal law and the needs of the Commission for data to support the Management Information System and other special studies. The resolution of this question has occurred as a result of an agreement by the Commission Staff to recognize and comply with Federal requirements concerning the sharing of personally-identifiable student information. It should be noted that although the access question has been resolved, there remains a question about the most efficient and effective way to create and maintain a management information system for the state. This will be further discussed below within the paragraph on "...a Fully Functioning MIS."

Comments on Specific Sections of Chapter 6:

1. Commission Funding and Staffing for MIS

On page 56, the heading in the LSO Report which reads "Commission Funding and Staffing for MIS" is misleading. This heading implies that the $11 million in funding and staffing appropriated to provide for the system's computing needs was solely for MIS purposes. In fact, this expenditure was for two major purposes. One purpose was to provide a common, up-to-date administrative computing system at each of the seven community colleges so that they might more efficiently conduct college operations. A corollary purpose was to allow the creation of a statewide MIS. In addition to the purchase of hardware and software, the appropriation also included funding for staff to support this system. These staffing positions were assigned the responsibilities for system setup, equipment repair, software maintenance and support, and the creation and maintenance of a common set of data elements.

There has been a change in system support. Based upon recent Commission actions implemented through rule changes, the Commission has refocused its emphasis away from system maintenance. We suggest that the state has a major investment in these computer systems and needs to protect that investment. If the Commission is not going to provide this service, some other organization needs to be created to provide for maintenance and system upgrading of the statewide administrative computing system on a continuing basis.

2. State Does Not Have a Fully Functioning MIS

On page 58 there is a statement that "...the colleges have raised concerns about allowing direct electronic access to their databases." In fact, the colleges have stated consistently that the

way to resolve this controversy is to provide the Commission with direct electronic access to the colleges' databases for the purposes of data collection for statewide reporting. However, the colleges believe that this reporting does not need to include the intermediate step of collecting raw data. Instead, the reporting can be based upon the collection of aggregated data from identified data elements. The Colleague software system used by the colleges allows for such electronic statewide reporting of aggregated data, and such an approach would satisfy FERPA requirements for confidentiality. The colleges have consistently maintained that the most efficient method for statewide reporting would be for the Commission directly or through a consultant such as Datatel, the parent company that provides the Colleague software, to write reports (programs) that would allow standard data gathering directly from the system. With the help of Datatel, other states with many more colleges than Wyoming have implemented electronic statewide reporting based upon identified data elements and without requiring the release of personally-identifiable student data. States that have implemented electronic statewide reporting with the help of Datatel include California, Texas and Wisconsin.

3. Factors Inhibiting State-level Data Collection Efforts

On page 63 the LSO Report states "...the colleges believe the requesting party must have a specific purpose for requesting the data. This interpretation excludes the Commission from directly accessing raw data from the college administrative computing systems or from obtaining backup tapes of the college databases." In response to this statement, the colleges wish to note that it is not only the colleges that believe the requesting party must have a specific purpose for requesting this personally-identifiable student data. This is also the formal opinion of the U.S. Department of Education.

On March 9, 1998 the colleges requested a decision on the data access question from Mr. LeRoy S. Rooker, Director of the Family Policy Compliance Office of the U.S. Department of Education in Washington, D.C. This is the Office that administers, interprets, and enforces the Family Education Rights and Privacy Act (FERPA). In a formal, written decision dated June 1, 1998, Mr. Rooker stated that "the Commission has not identified a sufficiently specific use for the education records that it is seeking for us to determine that the release of those records, without prior consent of the student, is permitted by FERPA.... Accordingly, without further clarification as to how the Commission intends to use the requested education records, FERPA does not permit disclosure of education records to the Commission as the Commission has requested." It should be noted again that this was consistently the interpretation and the position of the Colleges.

4. Lack of Agreement About Purpose

The LSO Report makes only a brief reference to the Wyoming Community College System Strategic Plan. The Report states on page 64 "The concept of accountability requires information that can be gauged against publicly stated objectives. However, we found there is not a clear understanding of these objectives among system participants." Continuing on page 64, the Report concludes "The Commission and the colleges have developed a strategic plan with some measurable outcomes, but several system participants said the plan is not actively applied."

We suggest that these statements are more negative than is warranted. In fact, the colleges and the Commission are now making good progress on implementing the measurement of the performance indicators included in the Strategic Plan. The Strategic Plan was created jointly by the colleges and the Commission Staff, at the request of the Governor, during parts of 1997 and 1998. It is based upon the duties and responsibilities of the Commission and the colleges as defined in statute, so in fact it is based upon "publicly stated objectives." The actual accountability measures are derived primarily from a document published by the American Association of Community Colleges (AACC) entitled Core Indicators of Effectiveness for Community Colleges. This document defines fourteen measures of effectiveness and suggests approaches for measuring the degree of accomplishment of each. In addition to the fourteen measures of effectiveness contained in this document, the Commission and the colleges have added several measures of efficiency. It should be noted that both the colleges and the Commission continue to believe in the need to measure performance, both for public accountability as well as for internal improvement and advocacy. In summary, we believe there is a clear understanding of public objectives and an understanding of how to measure outcomes. Although the issue of data access slowed this process, the process of outcome measurement is again receiving priority status.

5. Issues for Legislative Consideration

In the final section of Chapter 6 on page 66, the LSO Report asks "Does the Legislature believe the Commission is an external agency to the colleges or does the Legislature view the Commission as a seamless member of a larger system?" This question is misleading and doesn't contribute to the point of this Chapter. The point of this Chapter is to ask how the Legislature can accomplish the creation of an effective MIS system for statewide reporting. We believe we have answered this question though our recommendations concerning an electronic statewide reporting system similar to those which have already been implemented in other states.

Chapter 7: Decisions About the College System

Page 68, Staff Recommendations:

Recommendation One

The Legislature should reassess and prioritize the purpose of the colleges in the state.

AGREE

Comment: Western Wyoming Community College agrees that the Legislature should review the mission assigned to the community colleges by the Legislature in 1991. However, Western believes the current mission clearly defines the purpose of community colleges and serves the citizens of Wyoming well. Therefore, Western hopes that any changes in the current mission are limited in scope.

Recommendation Two

The Legislature should clearly and unequivocally define the roles of the players in that context (the purpose of the colleges in the state).

AGREE

Recent Program Evaluations

Community Corrections Facilities	December 1992
A&I Purchasing	June 1993
Public Defender Office	November 1993
JJDP Program	November 1993
Wyoming Water Development Commission	January 1994
Ad Valorem Tax System	February 1994
Health Care Facilities Licensure and Certification	June 1994
State Employees' and Officials' Group Insurance	October 1994
Tax Enforcement In Wyoming	May 1995
Facilities Management	October 1995
Youth Treatment Center	November 1995
Game and Fish Department Land Acquisition Program	February 1996
Deferred Compensation Program	June 1996
Cost-of-Living Adjustments: WRS Public Employees' Pension Plan	October 1996
Crime Victim Services	January 1997
Legislatively-Designated Investments	May 1997
State-Owned Vehicles	September 1997
Agency-Provided Housing	September 1997
Professional Teaching Standards Board	December 1997
Game and Fish Department Limited-Quota License Draw	December 1997
UW's Institute for and School of Environment and Natural Resources	June 1998
Wyoming Department of Education School District Accreditation Reporting	June 1998
Laboratory Privatization and Consolidation	October 1998

Evaluation reports can be obtained from:

Wyoming Legislative Service Office
213 Capitol Building, Cheyenne, Wyoming 82002
(307) 777-7881
http://legisweb.state.wy.us/

Comment: Roles: Position Paper on Staff Recommendation Two

In 1991, the Wyoming State Legislature established a mission for the Wyoming Community colleges. Specifically, the Legislature directed the community colleges to be "... low tuition, open access institutions focusing on academic transfer programs, career and occupational programs, developmental and basic skills instruction, adult and continuing education, economic development training, public and community services programming and student support services."

The colleges have responded to the Legislative directive. This is reflected by the following quotes from Page 11 of this Report:

> "Consistent with the legislatively approved mission statement, system tuition is low and access is high. Data from the American Association of Community Colleges shows that Wyoming's tuition and fees are less than half the national average. According to a recent Commission study, Wyoming community colleges led the nation in percentage of state population served in 1995. Also, data from the colleges and the University of Wyoming indicate that students are able to transfer credits to the University and when they do, their academic performance at the University is predictably on par with their peers who started at the University.
>
> As well, University officials told us that the community colleges are extremely important for the overall educational health of the state and for the quality of the workforce. They added that the colleges provide access to students who otherwise would not have that opportunity."

Moreover, the Legislature got what it wanted with a limited investment of state funds. Currently, the Legislature allocates approximately $47 million a year to the community colleges from the general fund. The seven community college districts and the students generate an additional $31 million with the colleges contributing $17 million from local taxes, and the students paying tuition and fees totaling $14 million. Additionally, the seven districts have paid for almost all of the existing college facilities which are located strategically throughout the state and which have a present day value of approximately $500 million.

Locally elected boards govern college districts which provide low cost, easily accessible, quality education throughout the state. The boards also annually levy local taxes of 5 mills on county citizens, businesses and industries, raise money for the construction of instructional facilities and residence halls as necessary, and, accept fiduciary responsibility for receiving and expending state, local and institutional funds in excess of $78 million annually. Consequently, it appears that the interests of the citizens of Wyoming will be best served if the Legislature continues to allocate state funds through the Commission to the governing boards of the seven community college districts. Maintaining the current relationship will insure that the colleges continue to provide instruction for students from their own districts and from the other sixteen

counties both at outreach sites within those counties and in facilities on the seven college campuses.

If the Legislature agrees to continue its successful relationship with the college district boards the state will need an agency such as the Community College Commission to insure accountability for state funds. The Commission should be assigned limited regulatory and coordinating responsibilities. These responsibilities should include requesting and disbursing funds and insuring that colleges fulfill the requirements of the mission assigned by the Legislature. The colleges have developed proposed legislation which insures that state interests are protected and the roles and responsibilities of college boards and the Commission are clarified. (See proposed legislation attached to the Northern Wyoming Community College District response.)

In conclusion, the citizens of Wyoming will benefit most if governance of the Community Colleges remains firmly in the hands of locally elected Boards of Trustees and the role of the Community College Commission as a coordinating agency with limited authority is clearly defined in the Wyoming statutes.

Sincerely,

Tex Boggs

Tex Boggs, President

Dated: 4-28-99

TB/kc

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Appendices

APPENDIX A

Selected Statutes

CHAPTER 18: COMMUNITY COLLEGES

ARTICLE 1: GENERALLY

21-18-101. Short title.

This act shall be known and may be cited as the "Wyoming Community College Code of 1985."

21-18-102. Definitions.

(a) As used in this act:

(i) "Academic program" means those programs approved by the commission which provide credits resulting in a two (2) year associate degree or which may be transferred to an accredited four (4) year college or university;

(ii) "Commission" means the community college commission of Wyoming;

(iii) "Community college" means an institution which offers academic programs in the freshman and sophomore years of college, vocational-technical programs, continuing education programs and community service programs established under this act;

(iv) "Community college district" means a body corporate established by statute as a subdivision of a county or counties or parts of several counties which establish or maintain a community college;

(v) "Community service programs" means all programs, class activities and services sponsored by a college which are not for credit or part of an academic, vocational-technical or continuing education program;

(vi) "Continuing education programs" means those programs, class activities and services sponsored by a college which provide job skills necessary to remain in or advance as a member of the work force which do not result in degrees or certificates of completion;

(vii) "Full-time equivalency" means the number of approved academic or vocational-technical credit hours for each class for which students are enrolled as of the final day of each academic term divided by twelve (12);

(viii) "Governing board" or "board" means the community college district board;

(ix) "School district" means any school district established pursuant to the laws of this state excluding community colleges and community college districts;

(x) "Vocational-technical programs" means those programs approved by the commission which provide job skills necessary to enter, remain in or advance as a member of the work force and result in degrees, certificates of completion, completion of adult basic education (ABE), general education development (GED) or English as a second language (ESL) programs;

(xi) "Assessed value" means the total assessed value of any community college district;

(xii) "This act" means W.S. 21-18-101 through 21-18-317.

21-18-103. Transfer of property from existing to newly established community college district; indebtedness and obligations to pass to new college district.

Whenever a community college district is established and created and includes territory comprising a community college district already supporting and operating a community college, the board of trustees of the existing community college district shall immediately, by proper conveyance, transfer unto the new community college district all of the assets, both real and personal, used in the operation of, or in any manner connected with, the former college. The property shall become the property of the new college district and any and all indebtedness or obligations, in any manner created, in relation to the property so transferred shall automatically, by operation of law, become the indebtedness or obligations of the new college district as if originally created by action of the new college district.

21-18-104. Small business development centers.

The small business development centers shall be operated by the University of Wyoming. The university shall specify the organizational structure of the network of centers in consultation with the Wyoming business council created by W.S. 9-12-103. The university shall integrate the operations of the centers with the Wyoming business council to the fullest extent permitted by federal law.

21-18-105. Budget authority.

(a) The community college commission shall include in its budget request funding for the following programs:

(i) Repealed by Laws 1995, ch. 20, § 2.

(ii) Repealed by Laws 1995, ch. 20, § 2.

(iii) Public television project;

(iv) Repealed By Laws 1997, ch. 178, § 2.

ARTICLE 2: COMMUNITY COLLEGE COMMISSION

21-18-201. Community college commission; created; composition; removal.

(a) The Wyoming community college commission is created.

(b) The commission consists of seven (7) appointed members:

(i) One (1) member shall be appointed from each of the seven (7) appointment districts provided by W.S. 9-1-218;

(ii) Unless it is impossible due to rotation of appointments among counties and existing appointees, no more than three (3) appointed members shall be from counties in which a community college is located;

(iii) No more than four (4) members shall be from the same political party.

(c) The governor and the state superintendent of public instruction or their designees are ex officio nonvoting members of the commission.

(d) Appointments to the commission shall be made by the governor with the advice and consent of the senate. Vacancies shall be filled by the governor as provided by W.S. 28-12-101. Commission members shall not be employees or trustees of a community college district. All terms of appointment shall be for four (4) years except appointments to fill unexpired terms and except that the terms of four (4) members of the initial board shall be for two (2) years and three (3) members shall be for four (4) years. No person shall be appointed for more than two (2) full four (4) year terms plus any portion of a term served while filling a vacancy. The governor may remove any commission member as provided in W.S. 9-1-202.

(e) A chairman and officers of the commission shall be elected biennially by the commission from its members.

(f) The members of the commission shall be paid per diem and travel expenses while attending commission meetings at the same rate allowed state employees. The commission shall meet at least quarterly.

(g) Any commissioner who does not attend at least fifty percent (50%) of scheduled commission meetings during any year commencing from the date of appointment is automatically removed from office. The director of the commission shall certify the name of any commissioner who has not attended at least fifty percent (50%) of scheduled meetings during each appointment year to the governor who shall appoint a successor to fill the vacancy within two (2) weeks from the date of certification.

21-18-202. Powers and duties of the commission.

(a) The commission shall:

(i) Appoint a director who shall perform duties as prescribed by the commission. The director may receive an annual salary as determined by the commission and approved by the governor. The director may hire such staff as required to carry out this act as approved by the commission subject to legislative budget authorization whose salaries shall be established by the director with the approval of the commission;

(ii) Promulgate and adopt rules and regulations which will ensure the operation and maintenance of the community college system in a coordinated, efficient and effective manner and which will set forth all standards which will be used to review an application to establish a new community college district or used to review the necessity for existing programs or college districts;

(iii) Review and approve or disapprove academic and vocational-technical programs based on relationship to student demand and need and conduct periodic reviews of existing programs. In addition the commission shall provide for termination of academic and vocational-technical programs based on commission findings of excessive duplication, lack of cost effectiveness, change in demand, or that the like exist sufficient to warrant termination. The commission shall also review the process of accreditation by industry and professional groups;

(iv) Advise governing boards of community colleges of the fiscal policies adopted by the legislature and of their responsibilities to follow those policies;

(v) Establish and implement an effective management information system which will provide composite data about the community colleges and assure that special analyses and studies of the colleges are conducted, as necessary, to provide accurate and cost-effective information about the colleges and the community college system as a whole, including an analysis of administrative costs per full-time equivalency at each college and an analysis of space utilization at each college;

(vi) Encourage the colleges and the system as a whole to cooperate with other educational institutions and agencies and with all levels and agencies of government in the interest of effective utilization of all resources, programs and services;

(vii) Administer the program of state support for the community college system including distribution of amounts authorized by the legislature. Budgets filed with the commission under W.S. 16-4-111 shall be open for public review;

(viii) Promulgate basic audit requirements for audits to be contracted for by the college in conjunction with the requirements of W.S. 16-4-121. The audit procedures shall be performed in accordance with "Government Auditing Standards", issued by the comptroller general of the United States. Any audit performed shall comply with the requirements of W.S. 9-1-507. The commission may also conduct its own audits if funding for the audits is authorized by the legislature;

(ix) Insure uniform accounting of full-time equivalency and financial data of the community colleges;

(x) Coordinate and approve academic and vocational-technical programs offered by any community college in areas not part of an existing community college district;

(xi) Receive federal funds to support commission purposes if authorized by the governor or the legislature;

(xii) Act as a board of appeal for the arbitration of disputes and differences between community colleges;

(xiii) Implement a standardized tuition structure within the community college system. Tuition for a nonresident of Wyoming shall not be less than three (3) times the amount of resident tuition at any community college except as provided in reciprocal agreements with colleges or higher education agencies of other states or as approved by the commission. Any person including the spouse or any child of that person shall qualify as a resident for tuition purposes under this paragraph upon compliance with W.S. 21-17-105(d);

(xiv) On or before January 2, 1991, establish a formula for distribution of state assistance to community colleges which is approved by a majority of commission members and which provides that no institution solely as a consequence of its implementation, shall have its total budget reduced by more than two percent (2%) in any fiscal year from the preceding approved total budget;

(xv) Establish state residency requirements for the community college system;

(xvi) Review participation by a community college in a board of cooperative educational services or with a board through an agreement to ensure consistency with the mission of the community college. The commission may disapprove such an agreement between a community college and a board of cooperative educational services if it finds the agreement is inconsistent with the statutory definition of the community college's mission;

(xvii) Develop and maintain a common course numbering system to improve articulation among the community colleges and among the community colleges and the University of Wyoming.

21-18-203. Budget procedure.

(a) The individual community colleges shall submit their state appropriation requests to the community college commission upon forms and in a format to be determined by the budget division of the department of administration and information. The format shall incorporate funding and expenditures for:

(i) State appropriations, when necessary;

(ii) All property taxes and county revenues dedicated to general operations;

(iii) All tuition and course fees;

(iv) All approved federal funds with explanation of federal restrictions and limitations; and

(v) Investment income and other miscellaneous deposits to the current fund.

(b) The community college commission shall submit the college requests with the commission recommendations to the governor and legislature upon the same forms as required in subsection (a) of this section with supplementary information provided by the commission as may be appropriate.

Budgets shall not include requests for appropriations to fund community service programs but may include requests for appropriations to fund not more than fifty percent (50%) of the cost of continuing education programs. Nothing in this subsection prohibits state funding associated with credit classes, as listed in the current college catalog, offered to employer groups not open to the general public, provided that the employer groups shall adhere to all statutes and rules concerning class size and tuition. Nothing in this subsection prohibits state funding of administrative or indirect costs associated with community service programs provided by the college.

(c) To facilitate their budget recommendations, the community college commission shall hold at least one (1) budget hearing with each of the several community colleges.

(d) Nonproperty tax funds generated within a college district may be expended for programs outside the district with the approval of the local board of the trustees in coordination with the commission.

21-18-204. Commission and districts subject to Uniform Municipal Fiscal Procedures Act.

The commission and several community college districts are subject to the provisions of the Uniform Municipal Fiscal Procedures Act. Audits for each community college required by W.S. 16-4-121 shall be performed by independent auditors selected by the college. The audits shall be conducted in accordance with guidelines set forth in W.S. 9-1-507. The independent auditors shall report to the college board of trustees and the commission.

21-18-205. Appropriation and distribution of state funds; restrictions; budget authority.

(a) In order to qualify for state aid, a community college shall:

(i) Be accredited academically by the regional accrediting agency; and

(ii) Provide for a levy of four (4) mills on the taxable valuation of the district for the regular support and operation of the community college in the year for which the appropriation is requested.

(b) Biennial budget authority for community colleges utilizing state appropriations shall be established by the community college commission based upon determinations made by the legislature, revenue estimates submitted by the colleges excluding revenues distributed to colleges under W.S. 21-18-311(g)(i) and excluding any revenues collected under W.S. 21-18-303(b) and 21-20-110(h). Amendments to the budget authority shall be considered by the commission upon application by the college. Community colleges without the benefit of state funding may establish their initial budget authority through procedures provided under W.S. 16-4-101 through 16-4-124.

(c) State funding for the assistance of community colleges shall be appropriated to the community college commission unless otherwise specified by law. Funds appropriated for each biennium shall be distributed as follows:

(i) Distribution shall be made by the commission to community colleges at times and in amounts to be determined by the commission based upon the amount determined to be necessary to maintain services for the particular college;

(ii) An amount which is not more than five percent (5%) of the total appropriation granted to the community colleges shall be appropriated to the community college commission as a contingency reserve plus any revenue under W.S. 9-4-601(b)(iv)(A) to be used by the commission upon approval of at least two-thirds (2/3) of commission members to supplement as necessary a community college budget only if a college experiences:

(A) An unanticipated shortfall in revenue from local resources;

(B) An annual variance of ten percent (10%) or more in full-time equivalency;

(C) Emergency and preventive maintenance repairs to facilities; or

(D) Inability to meet payments on bonds.

(iii) State funding is intended to supplement local resources available to a college for support of the biennial budget authority determined for that college. If a college receives budgeted resources greater than the biennial budget authority established or amended for the college, the excess state funding is to be returned to the general fund;

(iv) Notwithstanding paragraph (iii) of this subsection, up to three percent (3%) of the biennial budget authority of each community college may be carried forward into the next biennium by each community college. For purposes of this paragraph, biennial budget authority includes state appropriations, local appropriations and institutional revenue excluding revenue generated from auxiliary enterprises. The cumulative total amount carried forward from previous bienniums shall never exceed three percent (3%) of the current biennial budget authority.

(d) If nonbudgeted federal funds are received by a community college for a previously approved program for which state funds have been appropriated, an equal amount of state aid shall be withheld from distribution by the commission; however, the budget authority for a college may be increased by the college and the commission when federal funds are received for programs or expansion of existing programs for which state funds have not been appropriated.

(e) A community college shall obtain approval from the commission before initiating any capital construction project that is not necessary maintenance or repair. No state funds shall be used for the maintaining, operating or equipping of any capital construction project in excess of three hundred fifty thousand dollars ($350,000.00) which was not approved by the commission and authorized by the legislature.

21-18-206. Paying out appropriations by warrants drawn upon vouchers; application of share to default in payment on revenue bonds.

The state treasurer shall pay out state appropriations for community colleges on warrants drawn by the auditor of the state upon vouchers issued and signed by the director of the commission. If any community college entitled to payment out of any appropriation has defaulted in the payment of interest or principal on any revenue bonds issued by the community college and purchased by the state treasurer, the state treasurer shall withhold from the community college that portion of its share of any

state aid or appropriation and shall apply the share to any default which has or may in the future occur. Warrants may be drawn upon the state treasurer by the state investment board certifying the default.

21-18-207. Cooperative educational services.

The commission shall encourage community colleges and school districts to utilize the procedures provided by W.S. 21-20-101 through 21-20-109.

21-18-208. Renumbered by Laws 1985, ch. 208, § 4.

21-18-209. Renumbered by Laws 1985, ch. 208, § 4.

21-18-210. Repealed by Laws 1985, ch. 208, § 5.

21-18-211. Repealed by Laws 1985, ch. 208, § 5.

21-18-212. Renumbered by Laws 1985, ch. 208, § 3.

21-18-213. Renumbered by Laws 1985, ch. 208, § 3.

21-18-214. Renumbered by Laws 1985, ch. 208, § 3.

21-18-215. Renumbered by Laws 1985, ch. 208, § 3.

21-18-216. Renumbered by Laws 1985, ch. 208, § 4.

21-18-217. Renumbered by Laws 1985, ch. 208, § 4.

21-18-218. Renumbered by Laws 1985, ch. 208, § 4.

21-18-219. Renumbered by Laws 1985, ch. 208, § 4.

21-18-220. Renumbered by Laws 1985, ch. 208, §§ 3, 4.

21-18-221. Renumbered by Laws 1985, ch. 208, § 4.

21-18-222. Renumbered by Laws 1985, ch. 208, § 4.

21-18-223. Renumbered by Laws 1985, ch. 208, § 4.

21-18-224. Renumbered by Laws 1985, ch. 208, § 4.

ARTICLE 3: COMMUNITY COLLEGE DISTRICTS

21-18-301. Community college district to be body corporate; name.

Each community college district which is formed under this act is a body corporate by the name and style of ".... Community College District, State of Wyoming", the blank space to contain the chosen

name of the district, and in that name the district may hold property and be a party to suits and contracts.

21-18-302. District board generally; quorum; organization; officers.

(a) Within thirty (30) days after the election establishing the community college district, and on or about December 1 each year thereafter, the board shall meet and organize by electing one (1) of its members as president, one (1) as treasurer, and one (1) as secretary. The president shall preside at all meetings of the board except that a temporary chairman may be selected by the board in his absence. The secretary shall keep the minutes and proceedings of all board meetings and the treasurer shall receive all funds payable to the district and disburse them on the order of the board.

(b) A majority of the community college district board members constitutes a quorum for the transaction of all business but a minimum of three (3) concurring votes is required to decide any question.

21-18-303. District board generally; powers; board approved additional mill levy.

(a) The community college district board may:

(i) Sue and be sued in the name by which the district is designated;

(ii) Hold and convey property for the benefit of the district in the name by which the district is designated;

(iii) Employ legal counsel and bear the cost of litigation;

(iv) Construct or otherwise provide bookstores, vehicular parking facilities, recreational, or other facilities necessary and incidental to the community college, and may fix rates and provide for the collection of same;

(v) Issue general obligation bonds for community college purposes as specified in this act;

(vi) Issue revenue bonds for the purposes, and in the manner specified in this act;

(vii) Establish and collect charges, and rentals and student fees for services and facilities furnished, acquired, constructed, or purchased from the proceeds of revenue bonds;

(viii) Charge and collect student fees and tuition, and require that fees and tuition for students residing outside the district or outside the state may be greater in amount than fees and tuition charged resident students;

(ix) Enter into agreements with any public or private agency, institution, person or corporation for the performance of acts or for the furnishing of services or facilities by or for the community college district or for the joint performance of an act or function or the joint furnishing of services and facilities by the district and the other party to the agreement;

(x) Insure against loss of property or revenue from any cause;

(xi) Insure against public liability or property damage concerning the facilities authorized by the governing board, and insure and hold harmless from liability all administrative and teaching personnel, and all other employees of the community college district;

(xii) Establish criteria for appointments to fill vacancies in the board not inconsistent with the provisions of this act and provide for the removal of a board member for cause or change of residence;

(xiii) Call special meetings at the discretion of the board president or a majority of the board without the necessity of publication of formal notice;

(xiv) Contribute to the financial support of the commission;

(xv) Employ, at its own discretion, an assistant to the treasurer of the community college district board, who shall be subject to the same bonding and fiduciary regulations as are imposed upon the treasurer and who may be empowered to satisfy debts of the district as they become due and owing;

(xvi) Confer an associate degree of art, an associate degree of science, an associate degree of applied science and may confer other degrees and certificates and grant diplomas as are usual for community colleges and authorized under its accreditation by the regional accrediting agency.

(b) In addition to the levy imposed under W.S. 21-18-304(a)(vii) and any levy imposed under W.S. 21-18-311(f), the community college district board may approve up to one (1) additional mill levy on the assessed value of the district for a period not to exceed two (2) years for the regular support and operation of the college. A determination by the board shall be made at a regular or special meeting following a public hearing announced by the board. Notice of intent to levy all or a portion of the additional one (1) mill shall be published in a newspaper of general circulation within the district at least thirty (30) days before the hearing date. Upon approval, the board shall report the additional levy to the board of county commissioners of each county within the district in the same manner the necessary levy under W.S. 21-18-304(a)(vii) is reported. Any tax imposed under this subsection may be renewed by the board for additional two (2) year periods subject to public hearing requirements specified under this section and shall be levied, collected and distributed separate from the tax imposed under W.S. 21-18-304(a)(vii) and any additional levy imposed under W.S. 21-18-311(f). Revenues collected under this subsection shall not be used in establishing the biennial budget authority of the college under W.S. 21-18-205(b).

21-18-304. District board generally; duties.

(a) The community college district board shall:

(i) Prescribe and enforce rules and regulations for its own government and for government of the community college under its jurisdiction. Rules and regulations shall not be inconsistent with the rules and regulations of the community college commission;

(ii) Prescribe requirements for graduation;

(iii) Report annually the revenues and expenses of the community college district in accordance with the rules and regulations of the community college commission;

(iv) Submit such reports as the community college commission may require;

(v) Require the treasurer and the assistant treasurer of the district board to give such bond in such penalty and with such sureties as the board shall direct and approve, conditioned upon the faithful application of all money and property which may come into their hands by virtue of their office. Each bond shall not exceed one and one-half (1 1/2) times the amount of all college monies handled by the treasurer or assistant treasurer in any one (1) year. Bonds, after being approved by the board, shall be filed with the board, and no disbursements shall be made until the bonds are approved and filed. In case of breach of conditions of bonds, suit shall be brought thereon by the board for the benefit of the district;

(vi) Appoint a chief administrative officer of the community college who shall be given such official title as the board may determine;

(vii) At the first meeting of each fiscal year or at any appropriate time, make an estimate of the amount of funds required to be raised through a tax levy upon the property lying within the district for community college purposes, and present to the board of county commissioners of each county included in whole or in part within the district, a certified estimate of the tax required to raise the appropriate amount. The tax in any one (1) year shall not exceed four (4) mills on the assessed value of the district, excluding any tax approved by the board and imposed under W.S. 21-18-303(b) and any tax approved by the district electors and imposed under W.S. 21-18-311(f). The tax shall be levied and collected in the same manner as other county taxes and when collected, the county treasurer shall forward the tax revenue to the treasurer of the community college district board;

(viii) Control and disburse, or cause to be disbursed, all monies received from any source to maintain the community college;

(ix) Keep a record of all the official acts performed by the board and keep a record of all warrants issued against the monies belonging to the community college district. Payments of money shall be made upon warrant drawn against funds belonging to the community college district and the warrants so drawn must specify upon their face the purposes for which funds are called for by warrants. The board shall provide, at the expense of the district, a seal, upon which shall be engraved the words, ".... Community College District, State of Wyoming", the blank space to contain the legal name of the college district. The seal shall be kept in the possession of the secretary, shall be affixed to all communications or notices required by law to be sent or published by the board and to all warrants drawn upon the district;

(x) Conduct elections held by the community college district for election of board members, the issuance of bonds, the questions of mill levies and annexations and any other community college election appropriately within the jurisdiction of the district board, all in accordance with the election procedures set forth in this act.

21-18-305. Budget.

The chief administrative officer shall annually cause to be submitted a budget for the approval of the community college district board.

21-18-306. Bonds of officers and employees.

The community college district may require each officer and employee whose duty it is to handle funds or property of the district to be bonded under a suitable bond indemnifying the district against loss. The board shall determine the amount and the type of the bond.

21-18-307. Admission of state high school graduates without examination.

A person who graduates from a high school in this state shall be admitted to a community college of this state without further qualifying examination.

21-18-308. Number of board members; election; subdistricts; apportionment.

(a) Each community college district board shall consist of seven (7) members to be elected as provided by law.

(b) The community college district board may by resolution partition the community college district into election subdistricts to provide for representation on the district board in accordance with population. Where population figures permit, monetary evaluation and geographic factors may be considered in determining subdistricts.

(c) The community college district board shall by resolution designate the number of members of the district board which shall be elected from each election subdistrict if any, in accordance with the population of the community college district and the respective election subdistricts.

21-18-309. First regular election of board; fiscal year.

The first regular election of a community college board following creation of a community college district shall not be held until the May election date authorized under W.S. 22-21-103 of the first fiscal year in which a special mill tax is levied and assessed against the taxable property of the district for the uses and purposes of the district. The fiscal year of each community college district shall begin on July 1 of each year and shall end on June 30 of the following year.

21-18-310. Annexation of additional counties into district; annexation election.

(a) Established community college districts may be enlarged by annexing additional counties as provided in this section. A county may be annexed under this section to an existing community college district with which it is contiguous or any other community college district approved by the community college commission.

(b) Upon receipt of a petition signed by at least ten percent (10%) of the qualified electors residing within the county sought to be annexed requesting that the county be annexed to the community college district or upon receipt of a resolution calling for annexation by the board of county commissioners of the county sought to be annexed, the community college district board shall within ten (10) days following receipt, approve or deny the petition or resolution. If approved, the district board shall

request an election to be held in the county seeking annexation in accordance with the dates and procedures provided by W.S. 22-21-103 through 22-21-110. The number of electors required for a petition shall be determined by the number of votes cast at the last general election.

(c) The community college district board shall pay all costs incident to the election.

(d) The ballot in an election for annexation of any county to an existing community college district shall state the question in substantially the following form:

(i) "Shall .... County, Wyoming be annexed to the established .... Community College District, giving .... Community College District the authority to levy a tax not to exceed four (4) mills on the assessed value of the county and in addition, to impose a levy of .... mills (not to exceed five (5) mills) on the assessed value of the county as previously approved by the district electors and imposed under W.S. 21-18-311(f), all revenues of which shall be used for the operation and maintenance of the Community College located at ...., Wyoming?"

Annexation and mill levy YES ▩

Annexation and mill levy NO ▩

(e) Only qualified voters residing within the county to be annexed shall be allowed to vote in the election.

(f) If the annexation is approved by the voters of the county to be annexed:

(i) The county clerk shall immediately notify the county commissioners and the county commissioners shall levy the special mill tax in the manner provided by law;

(ii) The community college district board shall immediately and by resolution partition the enlarged district into election subdistricts to provide for board representation based upon population and shall designate the number of board members to be elected from each subdistrict in accordance with the population of the enlarged district and the respective election subdistricts. In accordance with W.S. 21-18-308(a), the board of the enlarged district shall be comprised of not more than seven (7) members;

(iii) An election of members of the board of trustees of the enlarged community college district shall be held as determined by the board of county commissioners, on a date which is not less than sixty (60) days following the date annexation is approved based upon the apportionment by the board under paragraph (f)(ii) of this section. Nominations to the board of the enlarged district shall be submitted in substantially the same manner as prescribed under W.S. 21-18-312(j) for initial community college district boards and the election shall be otherwise conducted as provided by law. Terms of office of board members filled prior to the date annexation is approved shall expire at 12:00 noon on the first day immediately following the election of board members of the enlarged district. Initial terms of trustees to be elected to the enlarged community college district board shall begin on the first day immediately following the election and shall be for not less than two (2) or not less than four (4) years as determined by the board as necessary to coincide with the terms of office prescribed under

W.S. 22-22-102. Not more than four (4) initial members shall be elected for terms of not less than four (4) years and the board shall designate and report to the appropriate county clerk the length of term for each trustee office to be filled in the election. Thereafter, all terms shall be for four (4) years in accordance with W.S. 22-22-102;

(iv) The community college district board may contract to provide educational programs to the annexed county subject to approval by the community college commission.

(g) Notwithstanding W.S. 21-18-314, a majority of the community college district board of an enlarged district may submit the question of issuing general obligation bonds for purposes enumerated under W.S. 21-18-314(a) to only the electors of the county in which the buildings, facilities or equipment are to be situated or to all electors of the enlarged district. If the bonding question is submitted only to the electors of the county in which the proposed facilities are to be located, the four percent (4%) limitation prescribed under W.S. 21-18-314(a) and the levy for payment of the bonds shall apply only to the assessed value of the voting county. The provisions of W.S. 21-18-314 and 21-18-315 governing general obligation bonds otherwise apply to any bonds issued under this section. A board of an enlarged district shall not use revenues collected under taxes imposed upon any annexed county for purposes of this subsection to pay interest and principal on any bonded indebtedness outstanding on or before the date of annexation.

(h) Annexation approved by the electors in accordance with this section shall remain in effect unless within four (4) years or by the second general election following initial adoption, whichever is later, the proposition is again submitted to and defeated by the electors of the annexed county. The proposition for continuing annexation shall be submitted only at an election held on a date authorized under W.S. 22-21-103 upon petition of the electors in the manner prescribed for an initial petition requesting annexation under subsection (b) of this section, except community college district board approval of the petition is not required prior to submission to the electors. If the proposition is submitted to the electors of the annexed county, the ballot shall state the question in substantially the following form:

(i) "Shall .... County, Wyoming, remain annexed to the established .... Community College District, extending .... Community College District authority to levy a tax not to exceed four (4) mills on the assessed value of the county for the operation and maintenance of the Community College located at ...., Wyoming?"

Continued Annexation and Mill Levy YES ▩

Continued Annexation and Mill Levy NO ▩

(j) If a proposition for continuing annexation under subsection (h) of this section is not approved, the county for which continued annexation is not approved shall be eliminated from the established community college district and:

(i) The county clerk shall immediately notify the county commissioners and the special mill levy imposed upon the assessed value of the county for the operation and maintenance of the community college shall terminate effective the end of that calendar year. This paragraph shall

not apply to any levy which may be imposed for the payment of general obligation bonds issued by the enlarged district under subsection (g) of this section;

(ii) Any buildings, facilities or equipment of the community college district located within the county eliminated from the district shall remain the property of that district;

(iii) Any contract to which the community college district is a party and entered into prior to the defeat of continued annexation shall remain in force and effect for the period provided within the contract. The county commissioners of any county eliminated from the district shall be subject to any liability of the county under the contract;

(iv) An election of members of the board of trustees of the reduced district shall be held as determined by the board of county commissioners, on a date which is not less than sixty (60) days following the date continued annexation is defeated. The board of the reduced district shall be comprised of not more than seven (7) members and the election shall be held in accordance with law. Terms of office of board members filled prior to the date continued annexation is defeated shall expire at 12:00 noon of the first day immediately following the election of board members of the reduced district. The initial terms of office of trustees to be elected shall begin on the first day immediately following the election and shall be staggered in the manner prescribed under subsection (f) of this section.

(k) An area which is not a part of a community college district which is located in a county where a community college district exists on June 8, 1989, may be annexed to the community college district using the procedure provided by this section. An area smaller than a county cannot be removed from a community college district.

21-18-311. Election for increase of tax mill levy; additional levy in excess of four mills; distribution of additional levy revenues.

(a) In any community college district in which the qualified electors have previously approved the levy of a tax of less than four (4) mills for the operation of a community college, the community college district board may submit to the electors of the community college district the question of increasing the existing tax levy of the district to not to exceed four (4) mills on the dollar of assessed valuation.

(b) Whenever a community college district board resolves to submit the question of increasing the existing tax levy to the electors of the district, the board shall give notice.

(c) An election for increasing the tax levy shall be held on a date authorized under W.S. 22-21-103 and otherwise conducted in all respects the same as a board election.

(d) The ballot in the election shall be in substantially the following form:

"Shall the existing mill levy of .... mills of the .... Community College District be increased to not exceed four (4) mills?"

Four (4) Mills Yes ▩

Four (4) Mills No ▩

(e) The county clerk shall immediately give notice of the result of the election to the county commissioners of the county or counties involved and if the increase has been authorized by the electors of the district it may be assessed against the taxable property of the community college district in the manner provided by the law.

(f) If the qualified electors of any community college district have previously approved a tax levy of four (4) mills for the regular support and operation of a community college, the community college district board may submit to the electors of the district a proposition calling for an additional levy of not to exceed five (5) mills on the assessed value of the district for community college purposes. The proposition shall be submitted at an election held on a date authorized under W.S. 22-21-103. Subsections (b) and (c) of this section apply to any election held under this subsection. At the election, the ballot shall contain the words "for the additional .... mill levy (not to exceed five (5) mills) of the .... Community College District" and "against the additional .... mill levy (not to exceed five (5) mills) of the .... Community College District". Following the election, each county clerk of the counties involved shall immediately give notice of the election result to the county commissioners and:

(i) If the additional levy is approved by the district electors, each involved board of county commissioners shall levy the additional tax and the same proposition shall be submitted at each second general election following approval of the additional levy until the proposition is defeated. The tax shall be levied and collected separate from the four (4) mill levy imposed under W.S. 21-18-304(a)(vii), and any levy imposed under W.S. 21-18-303(b), and shall be distributed in accordance with subsection (g) of this section;

(ii) If the additional levy is defeated, the proposition shall not again be submitted to the district electors for at least eleven (11) months. If the proposition is defeated at any general election following initial adoption of the additional levy, the additional tax is repealed effective December 31 of that calendar year in which defeated and the levy imposed by the county commissioners for the following calendar year shall not exceed the levy authorized under W.S. 21-18-303(b) and 21-18-304(a)(vii).

(g) The county treasurer shall distribute revenues collected under any additional levy authorized under subsection (f) of this section to the treasurer of the appropriate community college district board of trustees, who shall deposit the revenue collections as follows:

(i) The total amount collected in a separate account for expenditure by the district in accordance with this paragraph. Revenues deposited pursuant to this paragraph shall not be included within the district's estimated and reportable revenues for purposes of establishing the biennial budget authority for the district. Expenditure by the district of revenues within the account shall be limited to the following:

(A) Covering unanticipated local revenue shortfalls;

(B) Funding expenses incurred by the district due to a significant variation in student full-time equivalency enrollment;

(C) Emergency and preventative maintenance and repair expenses for college physical facilities;

(D) Making payments on district outstanding bonded indebtedness due to an inability to meet scheduled payments; or

(E) Funding specific district program needs.

(ii) Repealed by Laws 1993, ch. 95, § 2.

21-18-312. Formation of districts.

(a) An application for the formation of a community college district may be submitted to the commission only when the following minimal prerequisites have been satisfied: the area to be formed into the district must be a territory having an assessed property valuation of not less than one hundred million dollars ($100,000,000.00); there must be not less than fifteen hundred (1,500) students regularly enrolled in grades nine (9) through twelve (12). The territory of such district may encompass one (1) or more counties or portions of one (1) or more counties.

(b) No community college may be established in the state of Wyoming unless approved by the community college commission pursuant to the provisions of this act. No state funds for any purpose shall ever be distributed to any community college district which is formed without legislative approval.

(c) The application for the formation of a community college district shall be submitted in the form prescribed by the commission and subscribed by not less than five hundred (500) or twenty-five percent (25%), whichever is the smaller number of qualified electors residing within each of the counties, in whole or in part, situated in the area sought to be organized into a community college district.

(d) Whenever the community college commission receives a proper application for the formation of a community college district, it shall cause a survey to be conducted to consider the need for a community college in the proposed district, the need for the community college in the state, the financial ability of the proposed district to support a college, the educational soundness of the proposed community college plan and any other matters which might assist the commission in the disposition of the application. The county commissioners of the area within the proposed community college district shall reimburse the community college commission for all reasonable expenses incurred in making the survey. If the proposed district embraces more than one (1) county, in whole or in part, the costs of the survey shall be shared proportionately by the counties involved, according to population within the proposed district.

(e) The commission shall approve or disapprove the petition within ninety (90) days of receipt thereof. The commission shall furnish the legislature a copy of its survey findings and recommendations and shall notify the county commissioners of the county wherein the proposed community college is to be located of its findings and recommendations.

(f) After receipt of notice that a petition for establishment of a community college has been approved by the commission, the county clerk of the county wherein the proposed community college is to be located shall conduct an election to determine the question of creation of a community college district with authority to levy a tax not to exceed four (4) mills and to elect the initial members of the community college district board. The election shall be held on the next election date authorized under W.S. 22-21-103 which is not less than sixty (60) days after the receipt of the notice by the county clerk. In the event two (2) or more counties, in whole or in part, are to be included in the proposed community college district, the county commissioners shall proceed in accordance with W.S. 22-22-103. The county clerk of the other county or counties involved shall conduct an election on that date as hereinafter provided. The county commissioners of the county or counties included, in whole or in part, within the proposed community college district shall pay all costs incident to the conduct of the election within their respective counties.

(g) The county clerk of the county wherein the proposed community college is to be located shall publish at least one (1) notice of election in a newspaper of general circulation in the proposed community college district. The publication shall be made no more than thirty (30) days nor fewer than fifteen (15) days prior to the date set for the election. The notice shall state that the purpose of the election is to determine the question of creation of a community college district with authority to levy a tax not to exceed four (4) mills on the dollar of assessed valuation of property located within the proposed district and to elect members of the initial community college district board.

(h) The county clerk, in conducting an election to determine the establishment of a community college district, has substantially the same duties and responsibilities as in the conduct of a regular college election except as otherwise provided.

(j) Nominations to the initial community college district board are submitted on forms provided by the county clerk of the county wherein the proposed community college is to be located to be substantially the same as those required for the nomination of a candidate in a regular district board member election. All names so filed shall be printed in alphabetical order, without designation of party name or election subdistrict, on the ballot to be furnished the electors at each polling place on the day of the election by the county clerk of the county wherein the proposed community college is to be located. The names of all persons filing as candidates shall be published in a newspaper of general circulation in the proposed community college district not later than the Saturday preceding the date of the election. Nothing in this section prevents a voter from writing the name of any qualified person on such ballot.

(k) Absentee ballots are allowed in elections for the establishment of a community college district in the same manner as provided in the procedure for trustee elections.

(m) Any person who qualifies as a voter in a community college district board election is entitled to vote in an election on the question of establishment of a community college district.

(n) The question to be submitted to the voters to determine the establishment of a community college district shall be in substantially the following form:

(i) "Shall a community college district be created and established according to law, encompassing .... (description of boundaries of proposed community college district) to be

known as .... Community College District for the operation and maintenance of a community college to be located at ...., Wyoming; and shall there be levied a special tax not to exceed four (4) mills on the dollar of taxable valuation within the district for the operation and maintenance of said community college?"

Community college and special mill tax Yes ▩

Community college and special mill tax No ▩

(o) Immediately after the closing of the polls the election officers shall proceed to canvass the ballots. Results disclosed by the canvass shall be certified by the county clerk to the county commissioners of the county wherein the proposed community college is to be located. After all results have been received by the county commissioners of the county wherein the proposed community college is to be located the results shall immediately be certified to the commission.

(p) The vote necessary to authorize the establishment of a community college district is a majority of all votes cast within the proposed community college district.

(q) The county clerk shall prepare copies of the certification of election results and keep a copy of the certificate of election results on file.

(r) If the election for establishment carries, the community college commission shall notify by registered mail the seven (7) candidates who receive the highest number of votes in the entire election.

21-18-313. Bond issues; revenue bonds.

(a) The community college district board of any community college having a daytime enrollment of at least two hundred (200) students may issue negotiable coupon bonds of the community college for the purpose of acquiring, erecting, and equipping student dormitories, dining halls, and recreational facilities, and acquiring sites therefor.

(b) Except as otherwise provided bonds shall be payable solely out of a special fund to contain the net revenues to be derived from the operation of the dormitories, dining halls, and recreational facilities, the revenues being defined as those remaining after paying the cost of maintaining and operating the facilities. Bonds shall contain an irrevocable pledge of and lien on net revenues and are not general obligations of the districts issuing the bonds within the meaning of any constitutional or statutory provisions, and the face of each bond issued shall so state. Bonds shall not be secured by mortgage on property but the net income on such property may be pledged for the payment of principal and interest thereon. The governing board of said community college district may, by resolution, pledge and pay into the special fund any or all of the revenue of the district, excluding the revenue derived from ad valorem taxes and student fees paid as tuition, and including, without limiting the generality of the foregoing, all other fees, rates, and charges in any manner derived from the operation of the college district to the extent necessary to provide for the payment of principal and interest on the bonds authorized to be issued.

(c) Bonds shall be authorized by a resolution adopted by the community college district board, shall mature serially within a period not exceeding forty (40) years from their date and shall bear interest

payable annually or semiannually. The resolution authorizing the issuance of the bonds shall provide the details thereof, including provisions for their disposition, payment and redemption. The resolution shall provide for the accumulation of net revenue for a reserve fund of not less than seven percent (7%) of bond proceeds in addition to any amounts accumulated under subsection (e) of this section, for the maintenance and repair and for facility obsolescence and depreciation of any building or facility to be constructed or otherwise acquired through the bond issue, and it shall contain other or further covenants and agreements as may be determined by the governing board for the protection of bondholders.

(d) Before issuing any revenue bonds, the governing board shall by resolution declare the purpose for which the proceeds of the bonds proposed to be issued shall be expended and shall specify the maximum amount of bonds to be issued or sold for that purpose. The governing board may not issue or sell bonds in an amount exceeding the specified maximum amount except with the consent of the bondholders and by amendment or modification of the indenture. The governing board may amend the resolution prior to the issuance of the bonds authorized thereby to increase or decrease the maximum amount of bonds to be issued or sold. The governing board may include in a single resolution or authorization the issuance of bonds for one (1) or more projects.

(e) The governing board of a community college district shall establish and collect charges and rentals for services and facilities furnished, acquired, constructed, or purchased from the proceeds of the bonds, sufficient to pay the principal or the interest on the bonds as they become due and payable, together with such additional sums as may be deemed necessary for accumulating a reserve pursuant to subsection (c) of this section, providing for obsolescence and depreciation and paying the expenses of operating and maintaining the facilities. The governing board shall establish all other charges, fees and rates to be derived from the operation of the facilities.

(f) The governing board of a community college district may insure against the loss of revenues from any cause. The proceeds of the insurance shall be used exclusively for the payment of bonds and the interest thereon. If loss of revenue is brought about as a result of the destruction of one (1) or more of the facilities constructed, acquired, or purchased from the proceeds of the bonds, then and in that event the proceeds of insurance may be used for the replacement of the facilities.

(g) The governing board of a community college district may enter into agreements and contracts with the United States government and any of its agencies for the construction and operation of facilities and revenue bonds to be issued therefor. The governing board of the community college may comply with conditions that the federal government may impose to secure the full benefits of federal statutes pertaining to loans or grants to educational institutions for housing and other facilities, all other provisions of this act to the contrary notwithstanding.

(h) Bonds issued pursuant to this act are eligible for investment by banking institutions and for estate, trust, and fiduciary funds, and the bonds and the interest thereon shall be exempt from taxation by this state and any subdivision thereof. The state treasurer of the state of Wyoming, with the approval of the governor and the attorney general, may invest any permanent state funds available for investment in the bonds to be issued hereunder.

(j) The governing board of a community college district has plenary powers and responsibility for the acquisition, construction, and completion of all projects authorized by the governing board by the resolution to issue revenue bonds.

(k) The governing board of a community college district may insure such facilities authorized by the governing board against public liability or property damage.

(m) The governing board may provide for the replacement of destroyed, lost, or mutilated bonds or coupons.

(n) All costs and expenses incident to the issuance and sale of the revenue bonds may be paid out of the proceeds of the sale of the bonds. Interest on bonds may be paid out of the proceeds of the sale of the bonds during the actual construction of any facilities for which the bonds were issued. Provision for the payment of interest under such circumstances shall be made in the indenture.

(o) Revenue bonds may be sold at either public or private sale. The community college district board may establish terms and conditions for the sale or other disposition of an authorized issue of bonds. The board may authorize, by resolution, the sale of bonds at less than their par or face value.

(p) The governing board may provide for the execution and authentication of revenue bonds by the manual, lithographed, or printed facsimile signature of officers of the governing board of the community college district if at least one (1) signature shall be manually inscribed.

(q) Revenue bonds are callable upon such terms, conditions, and notice as the governing board may determine and upon the payment of such premium as may be fixed by the board in the proceedings for the issuance of the bonds. No bond is subject to call or redemption prior to its fixed maturity date unless the right to exercise the call is expressly stated on the face of the bond.

(r) The community college district board may provide for the issuance, sale, or exchange of refunding bonds issued under the provisions authorizing the board to issue revenue bonds. All provisions of this act applicable to the issuance of revenue bonds by community college districts are applicable to the funding or refunding of revenue bonds and to the issuance, sale, or exchange thereof.

(s) The governing board of a community college district may issue funding or refunding bonds in a principal amount sufficient to provide funds for the payment of all bonds funded or refunded thereby, and in addition for the payment of all expenses incident to the calling, retiring, or paying of the outstanding bonds, and the issuance of the funding or refunding bonds.

(t) Any balance remaining in any fund established to pay the principal and interest on bonds after payment of all charges, costs and expenses authorized to be expended therefrom may be allocated and used for the acquisition, construction, equipping, and furnishing of buildings and sites for community college purposes.

(u) The obligation and liability of the community college district board, severally and individually, to the holders of the bonds is limited to applying proceeds of the special fund to the payment of principal and interest on the bonds and the bonds shall contain a provision to that effect. In the event of default in the payment of bonds or the interest thereon, and in the event that the board is misusing special

funds or not using them as provided by this act, then the holders, or any of them, may bring suit against the board in the district court of the county wherein the community college is located for the purpose of restraining the board from using the funds for any purpose other than the payment of the principal and interest on the bonds as provided by this act.

21-18-314. Bond issues; general obligation bonds; bond elections; bond tax levy.

(a) A majority of the community college district board may submit to the electors of the district the question of whether the board shall issue bonds of the district not to exceed four percent (4%) of the assessed valuation of the community college district:

(i) For the purchase, erection, remodeling, or completion of a building or buildings for community college purposes and the equipment and suitable site therefor;

(ii) For the purchase of equipment and facilities, including laboratories, libraries, and other such facilities as may be deemed necessary and proper for the college;

(iii) For fees and costs attendant to the services of attorneys, architects, and engineers, and for the cost of publications, the printing of bonds and prospectus.

(b) Bonds may run for a period of twenty-five (25) years or less and bear interest. In addition, not less than seven percent (7%) of the bond proceeds shall be used for the maintenance and repair and for facility obsolescence and depreciation of any building or facility to be constructed or otherwise acquired through the bond issue. The four percent (4%) limitation in subsection (a) of this section shall be separate and apart from and in addition to the ten percent (10%) limitation of indebtedness as provided for by the constitution and laws of Wyoming for school districts. The levy for payment thereof is separate and apart from and in addition to the operating levy of not to exceed four (4) mills, and additional levy imposed under W.S. 21-18-303(b) and any additional operating levy imposed under W.S. 21-18-311(f) of not to exceed five (5) mills, unless the bond election question provides otherwise.

(c) An election on the question of the issuance of bonds by a community college district shall be held on the dates and in the manner prescribed in the Political Subdivision Bond Election Law, W.S. 22-21-101 through 22-21-112.

(d) If the proposed issue of bonds is approved in the election and issuance thereof is authorized by the community college district board the bonds may be sold at either public or private sale. All costs and expenses incident to the issue and sale of the bonds made may be paid out of the proceeds of the sale of the bonds. If the bonds are sold at public sale the community college district board must give at least one (1) notice by publication in some newspaper of general circulation in the community college district, and also in some newspaper published in the capital of this state, of its intention to sell the bonds, briefly describing same, and the time and place where the sale will take place. The publication shall be made not less than fifteen (15) days, nor more than thirty (30) days prior to the date designated for the sale of the bonds.

(e) After ascertaining the best terms upon, and the lowest interest at which the bonds can be sold, the community college district board shall cause the bonds to be suitably printed or lithographed, with

coupons, if any, attached, and thereafter shall have the bonds consecutively numbered and otherwise properly prepared and executed. Bonds may be in such form as the board may direct but must bear the signature of the president of the community college board of trustees, be countersigned by the secretary of the board, bear the district seal and be countersigned by the county treasurer. Bond coupons, if any, must be signed by the president and secretary of the board and by the county treasurer. The secretary of the community college board shall endorse a certificate upon every bond that it is issued pursuant to law and is within the debt limit of the issuer. Bonds shall be registered by the county treasurer in a public book provided for that purpose stating the number, date, amount, time and place of payment, rate of interest, number of coupons attached, if any, for each bond so entered and any other proper description thereof for future identification.

(f) Bonds issued by community college districts pursuant to this section shall bear interest payable annually or semiannually, and evidenced by one (1) or two (2) sets of coupons, if any, except that the first coupon may evidence interest for a period not in excess of one (1) year, and the bonds may be in one (1) or more series, may bear a date or dates, may mature in an amount or amounts, serially or otherwise, at a time or times not exceeding twenty-five (25) years from their respective dates, may be in a denomination or denominations, may be payable in a medium of payment, in a place or places, within or without the state, including, but not limited to the office of the county treasurer of the county in which the college is located, may carry such registration privileges, may be subject to terms or prior redemption in advance of maturity in order, or by lot, or otherwise, at a time or times with or without premium, may bear privileges for reissuance in the same or other denominations, may be so reissued without modification of maturities and interest rates and may be in a form, either coupon or registered, as may be provided by resolution of the community college district board. Except as the board may otherwise provide, bonds and interest coupons attached thereto, if any, are fully negotiable, within the meaning of and for all purposes of the Uniform Commercial Code, W.S. 34.1-8-101 through 34.1-8-408 [34.1-8-603]. A holder of each bond, by accepting the bond, shall be conclusively deemed to have agreed that the bond is and shall be fully negotiable within the meaning and for all purposes of the Uniform Commercial Code, W.S. 34.1-8-101 through 34.1-8-408 [34.1-8-603].

(g) Whenever the issuance of bonds by a community college district may be lawful, the community college district board having authority to issue said bonds may, at its discretion, divide such issues into series so that substantially equal amounts of the indebtedness shall mature annually, or so that substantially equal tax levies shall be required for the payment of principal and interest of such bonds, or that substantially equal tax payments shall be required for the payment of principal and interest of all outstanding bonds of the district issuing said bonds, the bonds of each such series being made due and payable at a definite date within the period permitted by law for the discharge of such indebtedness.

(h) The sale of bonds must be conducted by the community college district board. All proceeds from the sale of bonds shall be paid to the treasury of the county in which the college is located to the credit of the community college district and shall be made immediately available to the community college district upon order of the community college district board. Bonds shall not be sold for less than par value, and the board is authorized to reject any bids. The faith, credit, and all property lying within the community college district are solemnly pledged for the payment of the interest and the redemption of the principal of all bonds issued pursuant to this section.

(j) The board of county commissioners shall cause to be levied annually upon all taxable property of the community college district, in addition to other authorized taxes, a sufficient sum to pay the principal and interest on bonds as the payments thereon become due to be levied, assessed, and collected in the same manner as other taxes for school purposes. The tax shall be known as "District bond tax of .... Community College District" and shall be levied until the principal and interest of the bonds are fully paid. If the tax for the payment of interest on any bonds issued under this act at any time is not levied or collected in time to meet payment, the interest shall be paid out of any monies in the general fund of the district and the monies so used for payment shall be repaid to the fund from which taken out of the first monies collected from district taxes.

(k) The county treasurer shall pay out of any monies belonging to the community college district tax fund, the interest upon any bonds issued under this section by the college district when due upon presentation at his office of the proper coupon, which must show the amount due, and the number of the bond to which it belonged. All coupons paid must be reported to the community college district board at its meeting thereafter.

(m) If any member of the community college district board fraudulently fails or refuses to pay into the proper county treasury the money arising from the sale of any bonds provided for by this act, he is guilty of a felony and upon conviction thereof shall be punished by imprisonment in the state penitentiary for a term of not less than one (1) year nor more than ten (10) years.

(n) The community college district board shall require the county treasurer to give the district a separate bond in such sum as the board deems proper, with two (2) or more sufficient sureties, conditioned upon the faithful performance of the duties required of him by this section and the faithful accounting for the monies deposited with him and realized from the sale of said bonds, as herein provided for. Bonds shall be approved by the board and shall be and remain in the custody of the district board.

(o) The bonds and any coupons bearing the signatures of the officers in office at the time of the signing thereof are valid and binding obligations of the community college district board, notwithstanding that before delivery or payment thereof, any or all of the persons whose signatures or facsimiles appear thereon have ceased to fill their respective offices.

(p) Any officer of the board authorized or permitted to sign any bonds, including revenue bonds, refunding bonds, and bonds specified in this section, or interest coupons at the time of its execution, upon the execution and filing of a signature certificate, may execute or cause to be executed with a facsimile signature in lieu of his manual signature any bonds and coupons, if any, issued pursuant to the provisions of this act and may adopt as and for his own signature the facsimile signature of his predecessor in office in the event that the facsimile signature, having been executed by an officer then authorized to do so, appears upon the bonds or coupons. When the seal of the district is required in the execution of a bond or instrument of payment, the secretary of the community college district board may cause the seal to be imprinted, engraved, stamped, or otherwise placed in facsimile thereon.

21-18-315. Bond issues; refunding.

(a) Any bonds issued by any community college district may be refunded, without an election, by the district which issued the bonds, in the name of the district, but subject to the provisions concerning

their payment and to any other contractual limitations in the proceedings authorizing their issuance or otherwise appertaining thereto, for any of the following purposes:

(i) To extend the maturities of outstanding bonds for which payment is in arrears, or which there is not, or it is certain that there will not be, sufficient money to pay the principal or interest on outstanding bonds as due;

(ii) To reduce interest costs or effecting other economies;

(iii) To reorganize all or any part of the outstanding bonds of the district in order to equalize tax levies;

(iv) To refund any bonds which were issued payable from a limited mill levy.

21-18-316. Liberal construction.

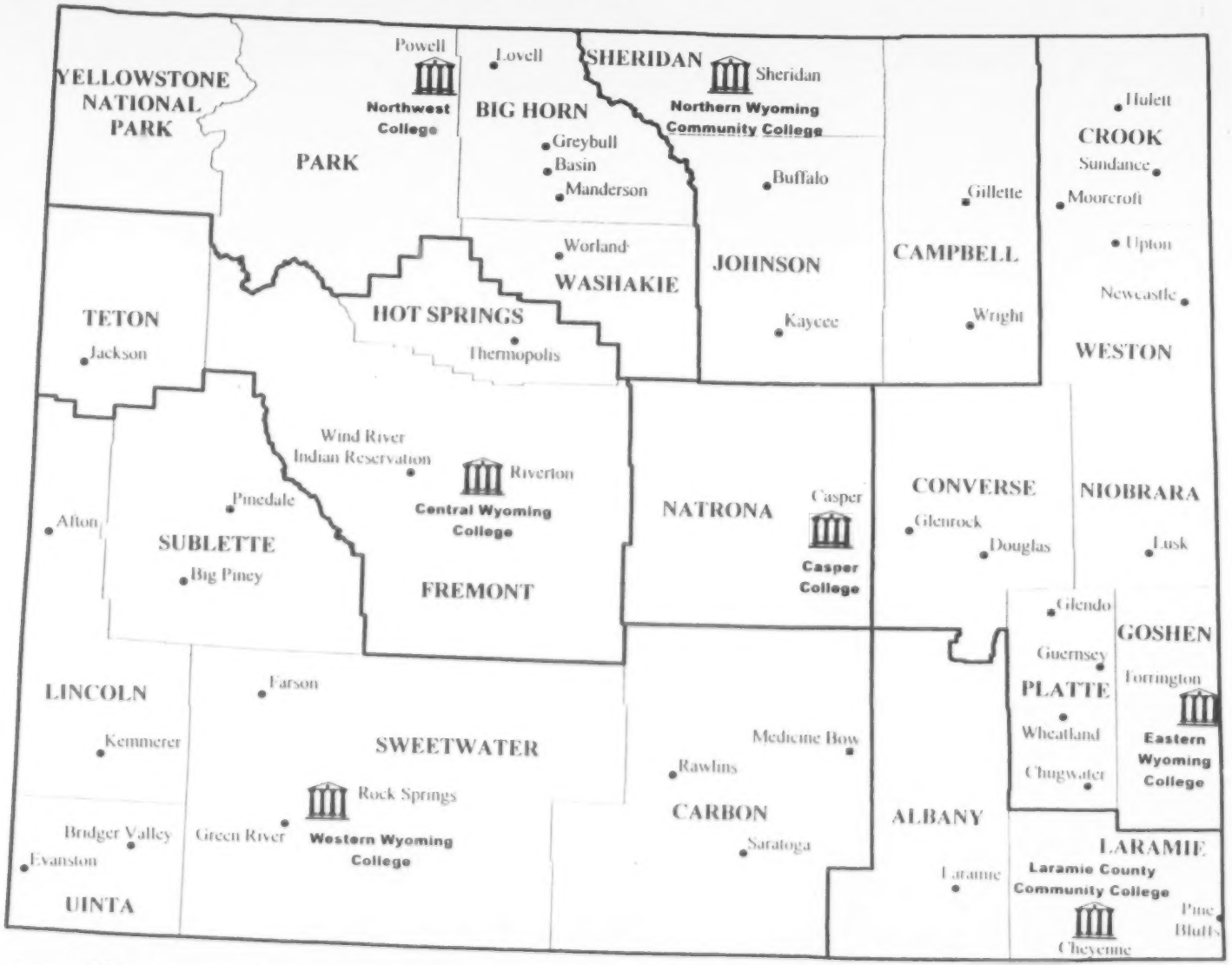
This act being necessary to secure public health, safety, convenience, and welfare, shall be liberally construed to effect its purposes.

21-18-317. Authority to provide educational program; scope and approval of program.

The community college district board of any community college in this state may provide the educational program education in the field of nursing. The educational program shall be of such duration and intensity as may be deemed appropriate by the community college district board and the Wyoming state board of nursing and shall lead to an associate degree in nursing and prepare each student for licensure as provided by law. Approval of the Wyoming state board of nursing is required prior to the establishment of any such nursing education.

APPENDIX B

Map of Service Areas and Outreach Sites



Source: Office of Geographic Information Systems, Department of A[illegible]

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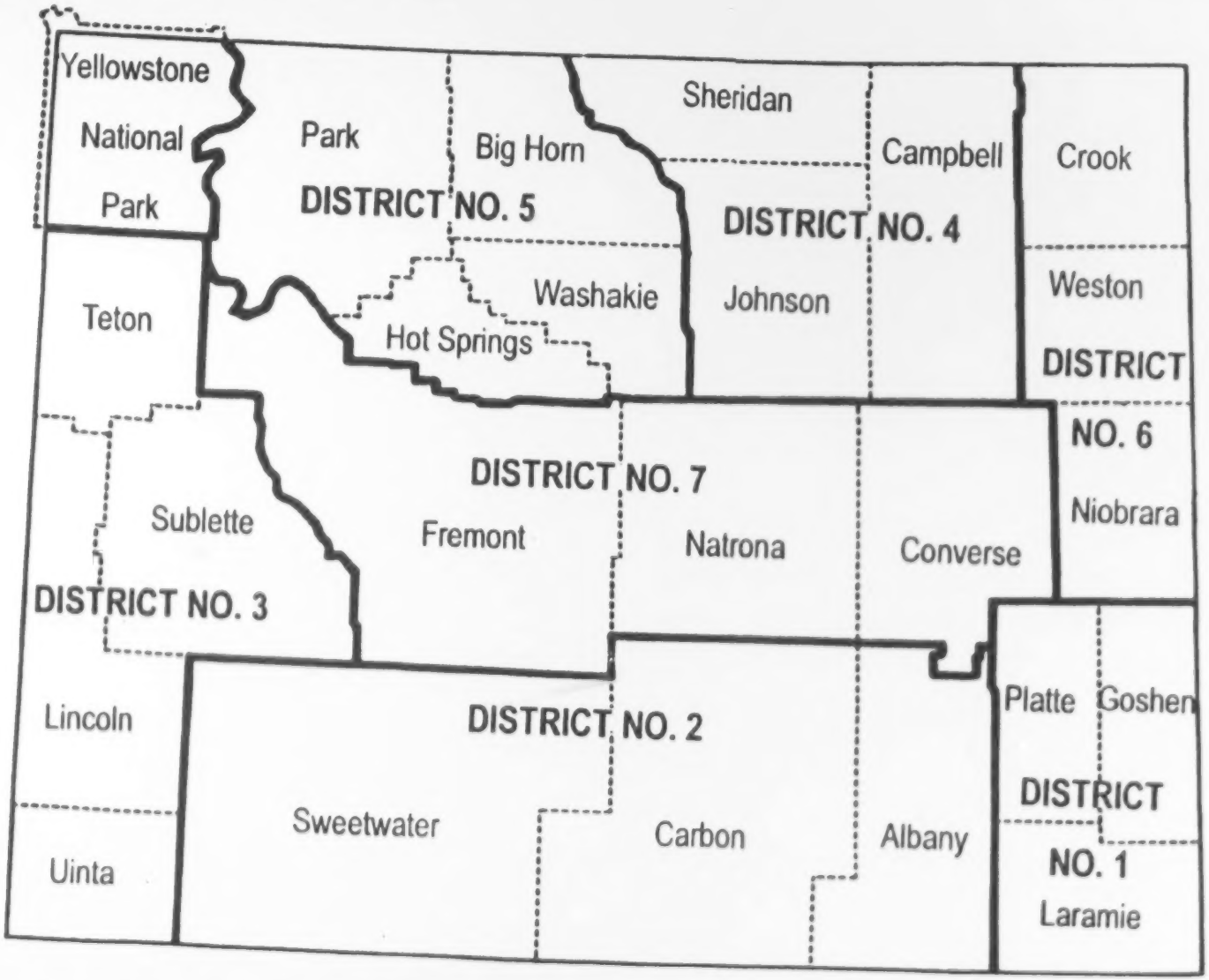
APPENDIX C

Map of Appointment Districts



APPENDIX D

Community College Certificates and Degrees Granted During 97-98 School Year

Enrollment 97-98	Casper	Central	Eastern	LCCC	Northwest	Northern	Western	System
Annual FTE	3327	1322	987	2759	1813	1959	1947	14114
Percent of Annual FTE	23.6%	9.4%	7.0%	19.5%	12.8%	13.9%	13.8%	100.0%

CERTIFICATES 97-98	Casper	Central	Eastern	LCCC	Northwest	Northern	Western	System	%
Health Professions	7	1		25	12	43	32	120	44.6%
Mechanics and Repairers	17		5	12		19	4	57	21.2%
Business Management/Admin Svcs	8	2	3	8	3	17	3	44	16.4%
Precision Production Trades	13	1	4			7	2	27	10.0%
Construction Trades				7				7	2.6%
Education	3					1		4	1.5%
Engineering-Related Technologies						1	2	3	1.1%
Law and Legal Studies	2							2	0.7%
Personal and Miscellaneous Svcs				1		1		2	0.7%
Agricultural Sciences		1						1	0.4%
Protective Services	1							1	0.4%
Public Administration				1				1	0.4%
Total Certificates	51	5	12	54	15	89	43	269	100.0%
Percent of all Certificates	19.0%	1.9%	4.5%	20.1%	5.6%	33.1%	16.0%	100.0%	

continued

DEGREES 97-98	Casper	Central	Eastern	LCCC	Northwest	Northern	Western	System	%	Assumption
Health Professions	105	41	16	58	48	54	50	372	21.3%	applied
Liberal Arts, Gen Studies, Human	55	38	44	22	27	43	26	255	14.6%	transfer
Business Management/Admin Svcs	49	14	16	52	39	22	56	248	14.2%	applied
Education	46	13	5	25	29	14	34	166	9.5%	transfer
Visual and Performing Arts	19	6		3	39	4	12	83	4.7%	transfer
Social Sciences and History	4	1	1	7	7	32	13	65	3.7%	transfer
Agricultural Business/Production	7	4	2	25	25			63	3.6%	transfer
Protective Services	18		9	7		17	2	53	3.0%	applied
Precision Production Trades	20	2	2	1	19	3		47	2.7%	applied
Biological/Life Sciences	13	3	5	11	4	3	6	45	2.6%	transfer
Agricultural Sciences	17	1	1	2	14	5		40	2.3%	transfer
Engineering-Related Technologies	22			6	5	3	1	37	2.1%	applied
Law and Legal Studies	12			22	2			36	2.1%	transfer
Mechanics and Repairers	13	1	3	5		4	9	35	2.0%	applied
Psychology	9	2	2	6	4		9	32	1.8%	transfer
Communications	2	6		6	7		6	27	1.5%	applied
English Language/Literature	19	1		1	2	1	2	26	1.5%	transfer
Computer and Information Sciences	3	2		11		2		18	1.0%	applied
Engineering	9			1	1		6	17	1.0%	transfer
Physical Sciences	7	1			1		6	15	0.9%	transfer
Foreign Languages/Literature	7			1	2	2	1	13	0.7%	transfer
Mathematics	3		4	3			1	11	0.6%	transfer
Personal and Miscellaneous Svcs			7			3		10	0.6%	applied
Conservation/Natural Resources	3				4			7	0.4%	applied
Construction Trades				6				6	0.3%	applied
Marketing and Distribution	5							5	0.3%	applied
Public Administration	3			1	1			5	0.3%	transfer
Home Economics					3			3	0.2%	transfer
Multi/Interdisciplinary Studies						3		3	0.2%	transfer
Parks, Recreation, Leisure, Fitness					3			3	0.2%	applied
Area, Ethnic, Cultural Studies	2							2	0.1%	transfer
Total Degrees	472	136	117	282	286	215	240	1748	100.0%	
Percent of all Degrees	27.0%	7.8%	6.7%	16.1%	16.4%	12.3%	13.7%	100.0%		
Total Transfer Degrees	232	70	64	130	161	107	116	880		
Percent Transfer Degrees	26.4%	8.0%	7.3%	14.8%	18.3%	12.2%	13.2%	100.0%	50.3%	
Total Applied Degrees	240	66	53	152	125	108	124	868		
Percent Applied Degrees	27.6%	7.6%	6.1%	17.5%	14.4%	12.4%	14.3%	100.0%	49.7%	
Total Degrees and Certificates	523	141	129	336	301	304	283	2017		
Percent of Degrees and Certificates	25.9%	7.0%	6.4%	16.7%	14.9%	15.1%	14.0%	100.0%		

Source: Integrated Postsecondary Education Data System (IPEDS)

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APPENDIX E

Community College Credit Headcount by County for Fall 1997 Enrollment Period

County	Casper	Central	Eastern	LCCC	Northwest	NWCCD	Western	County Total	Credit Students as % of Pop
Albany	16 5	5 0	3 0	682 5	4 0	8 0	3 5	722 5	2 9%
Big Horn	9 5	5 5	2 0	3 0	274 0	6 0	4 0	304 0	3 7%
Campbell	79 5	7 5	9 0	18 5	22 0	1338 5	4 5	1479 5	6 5%
Carbon	64 5	18 0	7 0	24 0	12 0	9 5	297 5	432 5	3 6%
Converse	181 0	8 5	273 5	8 5	4 0	17 5	0 5	493 5	5 6%
Crook	18 0	2 5	189 0	7 5	5 5	40 5	2 0	265 0	6 3%
Fremont	51 0	1567 0	6 5	17 0	21 0	9 5	11 0	1683 0	6 4%
Goshen	17 5	3 5	655 0	18 5	1 0	4 5	0 0	700 0	7 3%
Hot Springs	12 5	87 5	3 0	0 5	14 0	3 5	2 5	123 5	3 5%
Johnson	36 0	0 5	1 0	0 5	6 0	208 5	0 0	252 5	5 0%
Laramie	23 5	4 5	9 5	3726 0	3 5	13 5	16 0	3796 5	6 2%
Lincoln	13 0	16 0	1 0	11 5	5 5	2 5	364 0	413 5	4 3%
Natrona	3478 0	11 0	8 5	19 0	14 0	15 0	5 5	3551 0	7 3%
Niobrara	7 0	3 5	102 0	2 0	1 5	1 5	0 0	117 5	5 8%
Park	8 5	8 5	0 0	10 0	921 0	9 0	7 0	964 0	5 0%
Platte	26 0	3 0	191 5	47 0	0 0	2 5	2 5	272 5	4 3%
Sheridan	24 5	5 5	0 0	13 0	10 5	1223 5	0 5	1277 5	6 6%
Sublette	15 0	21 5	4 0	7 5	8 5	1 0	104 5	162 0	3 8%
Sweetwater	25 0	16 5	0 0	16 5	9 5	1 5	1750 5	1819 5	6 2%
Teton	6 5	256 5	1 0	6 5	3 0	0 5	3 5	277 5	2 6%
Uinta	14 0	10 0	1 0	6 0	20 5	3 0	531 5	586 0	4 3%
Washakie	36 5	14 5	0 0	4 0	136 5	12 0	1 0	204 5	3 2%
Weston	25 5	0 5	158 5	11 5	5 0	19 5	1 0	221 5	4 5%
% In-County	80 4%	72 1%	35 7%	75 6%	47 5%	39 1%	53 8%	61 7%	
% Out Cnty	16 4%	23 5%	52 9%	19 0%	30 0%	55 3%	41 9%	31 5%	
% In-State	96 9%	95 6%	88 6%	94 5%	77 5%	94 4%	95 7%	93 2%	
% Non-Res	3 1%	4 4%	11 4%	5 5%	22 5%	5 6%	4 3%	6 8%	

Source: Wyoming Community College Commission data and 1996 Est. U.S. Bureau of Census Populations between age 15 and 79

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APPENDIX F

Higher Education Governance Structures In Other States - 1997

Consolidated Governing Boards		Coordinating Boards		Planning Agencies
One Board for All Public Institutions	Two Boards for All Public Institutions			
Alaska	Arizona [a]	Alabama	New Mexico	Delaware
Hawaii	Florida [a]	Arkansas	New Jersey	Michigan
Idaho	Georgia [a]	California	New York	
Montana	Iowa [a]	Colorado	Ohio	
Nevada	Kansas [a]	Connecticut	Oklahoma	
North Dakota	Maine [a]	Illinois	Pennsylvania	
Rhode Island	Minnesota	Indiana	South Carolina	
South Dakota	Mississippi [a]	Kentucky	Tennessee	
Utah	New Hampshire [a]	Louisiana	Texas	
Washington, DC	North Carolina [a]	Maryland	Virginia	
Puerto Rico	Oregon [a]	Missouri	Washington	
	Vermont	Massachusetts	*Wyoming - for community colleges* [b]	
	West Virginia	Nebraska		
	Wisconsin [a]			
	Wyoming [b]			

Source: LSO Compilation of Data Prepared by the Education Commission of the States (ECS)

(a) ECS compiled information on the governance structure for all higher education boards, including universities and community colleges. Therefore, in several states one of the state-level higher education boards may be a governing or coordinating board for four-year institutions and another for community colleges and/or technical institutions.

(b) ECS categorized Wyoming under a governing board structure. It must have done this to accurately categorize the University of Wyoming Board of Trustees, which is a governing board for one public institution. The Wyoming Community College Commission would more appropriately be included in the coordinating board grouping.

APPENDIX G

Programs Terminated and Approved Between 1994 and 1998

COLLEGE	PROGRAMS TERMINATED BY COLLEGES 1994 TO 1998	NEW PROGRAMS APPROVED BY WCCC 1994 TO 1998
CASPER	BUSINESS OFFICE SYSTEMS	PHARMACY TECHNOLOGY
CASPER	PETROLEUM TECHNOLOGY	ASSISTIVE TECHNOLOGY
CASPER	HOME ECONOMICS	ACTIVITY PROFESSIONAL PROGRAM
CASPER	MINE TECHNOLOGY	
CENTRAL	JOURNALISM	PHYSICAL THERAPY ASSISTANT
CENTRAL	OFFICE OCCUPATIONS	PARTS SPECIALIST
CENTRAL	PHYSICAL EDUCATION	COMPUTER SOFTWARE NETWORKING TECHNOLOGIES
CENTRAL	AGRICULTURE	
EASTERN	EARLY CHILDHOOD AIDE/NANNY	
EASTERN	TRAVEL AND TOURISM	
EASTERN	COSMETOLOGY FOR INSTRUCTORS	
EASTERN	ALTERNATIVE STUDIES	
LCCC	FIRE SCIENCE TECHNOLOGY	ACCOUNTING
NORTHERN	FLUID POWER (TRANSFER ENGINEERING)	CONSOLIDATION OF 6 BUSINESS PROGRAMS
NORTHERN		RAILROAD TECHNOLOGY
WESTERN	RADIOLOGY	LAW ENFORCEMENT
WESTERN		FITNESS LEADERSHIP CERTIFICATE
WESTERN		PLANT OPERATOR
TOTAL	15	12

Source: Terminations self reported by colleges. Approvals reported by Commisison Staff.

Note: No programs terminated at NWCC between 1994 and 1998. Three programs, Theater (acting), Theater (technical), and Consumer & Health Sciences, were terminated in 1999.

Note: CWC eliminated transfer majors and replaced it with "Area of Emphasis to eliminate the necessity to offer low enrollment courses in 95/96

Note: LCCC placed Business Education, Marketing Education, Welding, Aviation, Art and Communications and Mass Media, and Visual Communications on "hold" between 94 and 98

APPENDIX H

Vocational-Technical Programs Offered by Colleges

Program	CC	CWC	EWC	LCCC	NWC	NWCCD	WWCC	COUNT
Welding Technology	x	x	x	x	x	x	x	7
Agri-Business	x	x	x	x	x	x		6
Electrical Apprenticeships	x		x	x	x	x	x	6
Information/Data Processing	x	x	x	x	x		x	6
Nursing - Associate Degree	x	x		x	x	x	x	6
Office Occupations	x	x	x	x		x	x	6
Computer Science	x	x		x		x	x	5
Nursing - Practical	x			x	x	x	x	5
Accounting	x	x		x	x			4
Agri-Production		x		x	x	x		4
Automotive Mechanics	x	x		x			x	4
Criminal Justice	x	x	x			x		4
Drafting Technology	x			x	x	x		4
Law Enforcement	x		x	x			x	4
Management Services/Mid-Mgmt	x	x		x			x	4
Agri-Mechanics	x			x		x		3
Banking and Finance	x			x			x	3
Business Office Technology	x				x	x		3
Dental Hygiene				x		x	x	3
Diesel	x			x		x		3
Early Childhood Education	x				x	x		3
Electronics Technology	x					x	x	3
Horse Management		x		x		x		3
Legal Assistant	x		x	x			x	3
Machine Tool Technology	x					x	x	3
Medical Office Assistant	x		x				x	3
Mining Technology	x			x	x		x	3
Radiologic Technology	x			x	x			3
Wildlife Conservation/Management			x	x	x			3
Agriculture	x					x		2
Bookkeeping		x					x	2
Construction Technology	x			x				2
Corrections	x			x				2
Entrepreneurship			x	x				2
Environmental Biology/Science	x			x	x			2
Farrier-Ag-Business		x						2
Fire Science Technology	x			x				2
Medical Secretary	x						x	2
Retailing	x	x						2
Surveying				x		x		2

continued

Program	CC	CWC	EWC	LCCC	NWC	NWCCD	WWCC	COUNT
Activities Professional	x							1
Addictionolgy	x							1
Agri-Sales & Service					x			1
Agri-Science						x		1
Animal Science Technology	x							1
Assistive Technology	x							1
Auto Parts Management	x							1
Automotive Body Repair				x				1
Aviation	x							1
Communication Skills	x							1
Computer Childhood Education	x							1
Computer Software Networking		x						1
Cosmetology			x					1
Dental Assisting						x		1
Educational Interpreting						x		1
Equestrian Studies					x			1
Fitness Leadership					x		x	1
Graphic Arts - Design					x			1
Graphic Arts - Prepress Production					x			1
Graphic Arts - Printing					x			1
Health Science							x	1
Horticulture	x							1
Hospitality Management						x		1
Industry Maintenance							x	1
Medical Technology	x							1
Mining Maintenance							x	1
Music					x			1
Parts Specialist		x						1
Pharmacy Technology	x							1
Photography					x			1
Physical Therapy Assistant		x						1
Plant Operator							x	1
Police Science						x		1
Public Administration				x				1
Radio-TV Broadcasting		x						1
Railroad Operations						x		1
Refrigeration & Air Conditioning			x					1
Respiratory Therapy Technology						x		1
Surgical Technology		x						1
Transport Refrigeration			x					1
Travel Tourism					x			1
Veterinarian Assistant			x					1
Water Quality Technology	x							1
UNDUPLICATED TOTAL								83

Source: Community College Commission Information Updated by Colleges
Note: FTE figures not available from the Commission.